

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Wednesday, January 08, 2020

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	Chairman Boyle
	Administrative Rules Overview	Colby Cameron, Regulatory Analyst

COMMITTEE MEMBERS

Chairman Boyle

Vice Chairman Troy

Rep Kerby

Rep Stevenson

Rep Zito

Rep Andrus

Rep Giddings

Rep Goesling

Rep Marshall

Rep Nichols

Rep Raymond

Rep Kiska

Rep Toone

Rep Abernathy

Rep McCrostie

COMMITTEE SECRETARY

Joan Majors

Room: EW11

Phone: 332-1137

email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, January 08, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
**ABSENT/
EXCUSED:** Rep. Goesling
GUESTS: Colby Cameron, DFM; Jeremy Brown, BOVM; Jay Shaw, OAR/DFM

Chairman Boyle called the meeting to order at 1:31 p.m.

Chairman Boyle welcomed the committee to the 2020 Legislative Session and asked each member to give a brief introduction of themselves. Chairman Boyle recognized the Committee Page, **Reita Chandler**, from Weiser, Idaho, and welcomed her to the committee.

Rep. Kiska and **Rep. Toone** were assigned by **Chairman Boyle** to serve as the committee proof readers for this session.

Colby Cameron, DFM, gave a brief overview of the Administrative Rules Process. He said this was a unique opportunity for agencies, in compliance with the Red Tape Reduction Act to review, update and eliminate unnecessary, redundant and restrictive language.

Brian Oakey, ISDA, in response to a committee question, clarified the difference in the Fee Rules.

Chairman Boyle explained the Administrative Rules would be heard as a full committee.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:01 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AMENDED AGENDA #2
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Tuesday, January 14, 2020

DOCKET	DESCRIPTION	PRESENTER
DOCKET NO. 02-0616-1900	IDAPA 02.06 - Idaho Honey Commission	Benjamin Kelly, Administrator Idaho Honey Commission
DOCKET NO. 02-0701-1900F	IDAPA 02.07 - Idaho Hops Growers	Candi Fitch, Executive Director Idaho Hop Growers Commission
DOCKET NO. 43-0101-1900F	IDAPA 43 - Idaho Oil seed Commission	Benjamin Kelly, Administrator Idaho Oilseed Commission
DOCKET NO. 51-0101-1900F	IDAPA 51 - Idaho Beef Council	T K Kuwahara, Chief Executive Officer Idaho Beef Council
DOCKET NO. 53-0101-1900F	IDAPA 53 - Idaho Barley Commission	Laura Wilder, Administrator Idaho Barley Commission
DOCKET NO. 42-0101-1900F	IDAPA 42.01.01 - Wheat Commission	Blaine Jacobsen, Executive Director

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 14, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Rep.Goesling

GUESTS: T K Kuwahara, Idaho Beef Council; Candi Fitch, Idaho Hop Growers; Laura Wilder, Idaho Barley Commission; Brent Olstead, CALS; Lacey Wilde, Wheat Commission; Benjamin Kelly, Idaho Honey, Idaho Oil seed; Steve Miller; Colby Cameron, DFM; Chanel Tewart, ISDA; Wyatt Prescott, ICIA; Brad Griff, Idaho Sugarbeet Growers; Rich Garber, IGPA; Stacey Satterlee, Idaho Grain Producers; Marv Patten, MPI;

Chairman Boyle called the meeting to order at 1:31 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of Wednesday, January 8, 2020 meeting. **Motion carried by voice vote.**

**DOCKET NO.
02-0616-1900:** **Benjamin Kelly**, Honey Commission Administrator, stated the changes made were to simplify and increase ease of use. He said all process and procedures remain the same.

In response to a committee question, **Mr. Kelly** stated they do not offer a refund of the assessment.

MOTION: **Rep. Troy** made a motion to approve **Docket No. 02-0616-1900. Motion carried by voice vote.**

**DOCKET NO.
02-0701-1900F:** **Candi Fitch**, Hops Commission Executive Director, stated the changes made were to clarify and make the language more readable. There were no increases in fees.

In response to a committee question, **Ms. Fitch** said there is not a refund allowed for assessment fees.

MOTION: **Rep. Nichols** made a motion to approve **Docket No. 02-0701-1900F. Motion carried by voice vote.**

**DOCKET NO.
43-0101-1900F:** **Benjamin Kelly**, Oil Seed Commission Administrator, stated there were no substitutive changes. He said the processes and procedures did not change.

In response to a committee question, **Mr. Kelly** stated there is a process in place to refund upon request the assessment to growers.

Chairman Boyle explained, years ago the Washington Apple Commission was taken to the Supreme Court. The court decided assessment falls under free speech and money could not be taken from a grower without offering to give it back upon the growers request.

MOTION: **Rep. Toone** made a motion to approve **Docket No. 43-0101-1900F. Motion carried by voice vote.**

DOCKET NO. 51-0101-1900F: **T K Kuwahara**, Beef Counsel Chief Executive Officer, explained the sections removed were regarding the logo and research and joint marking. She stated these were removed because they are basic business practices of the Idaho Beef Council. She said other minor changes were not substantive. Ms. Kuwahara said the council does offer a refund of assessment to their members.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 51-0101-1900F. Motion carried by voice vote.**

DOCKET NO. 53-0101-1900F: **Laura Wilder**, Barley Commission Administrator, said the Red Tape Reduction Act was a great opportunity to look at and streamline processes. The changes made were minor. She stated there is not a current provision for a refund of assessment.

MOTION: **Rep. McCrostie** made a motion to approve **Docket No. 53-0101-1900F. Motion carried by voice vote.**

DOCKET NO. 42-0101-1900F: **Blaine Jacobsen**, Wheat Commission Executive Director, explained in 2017 and 2018 the commission went through and cleaned up rules so the changes made now were mostly minor corrections. There were no changes to the fees or costs. Mr. Jacobsen said there was not a process in place to offer refunds of assessment.

Mr. Jacobsen said he was aware of the Free Speech case in Washington State but stated it dealt with promotion of commodities. He said more than half of the budget from the Wheat Commission goes into research, and 30% of the budget goes into education and communication among other things rather than promotion. He explained a portion of their budget goes into marketing development as more than half of Idaho wheat is exported. He said the wheat growing states combine their money and fund the US Wheat Association. The USDA has a program where they match grower dollars on a two to one or three to one bases.

Former Representative, Steve Miller, Rancher, stated four years ago during the Rule process, it was questioned how the commission collected names and personal information from their growers as required by the elevator operators. He asked how the commission had changed to satisfy the concerns of the growers about private information being shared.

Mr. Jacobsen stated it is an important tool used to communicate with the wheat growers on a timely bases. He explained elevator operators have the option to opt out of collecting private information from the growers.

Chairman Boyle stated the rule does not state it is an option and practices are not following the rule as written.

MOTION: **Rep. Troy** made a motion to **Hold Out Section 301.03.a,b.** of the Rule for further review.

Chairman Boyle put the committee at ease.

Chairman Boyle resumed the meeting.

MOTION WITHDRAWN: **Rep. Troy** withdrew her motion to **Hold Out Section 301.03.a,b.** of the Rule for further review.

Chairman Boyle said **Docket No. 42-0101-1900F** will be brought before the committee again at a later date..

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:27 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Thursday, January 16, 2020

DOCKET	DESCRIPTION	PRESENTER
DOCKET NO. 02-0801-1900F	Idaho Sheep and Goat Health Board	Naomi LeGere-Gordon, Executive Secretary
DOCKET NO. 46-0101-1900F	Board of Veterinary Medicine	Jeremey Brown, Executive Director
DOCKET NO. 46-0101-1902	Board of Veterinary Medicine	Jeremey Brown, Executive Director

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, January 16, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Representative(s) Troy, Nichols, and Giddings

GUESTS: Naomi-LeGere-Gordon, ISGHB; Kimberly Royer, ISGHB; Jeremy Brown, IBOVM; Brent Olstead, CALS; Misty Lawrence, DFF; Roger Batt, IEOSA, IMGA, IHC; Marv Patten, MPI

Chairman Boyle called the meeting to order at 2:10 p.m.

DOCKET NO. 46-0101-1900F: **Jeremy Brown**, Executive Director, Board of Veterinary Medicine, stated the agency reviewed the rules and eliminated many items that were redundant, outdated, or unnecessary. He said the board met four additional times this past summer and fall to accomplish the goals of the Red Tape Reduction Act. He said they were able to reduce the rules by nine pages making the rules more efficient and easier for Idahoans to use.

In response to a committee question, **Mr. Brown** said there are approximately 930 veterinarians in the state. He stated there is a shortage of both veterinarians and veterinary technicians.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 46-0101-1900F. Motion carried by voice vote.**

DOCKET NO. 46-0101-1902: **Jeremy Brown**, Executive Director, Board of Veterinary Medicine, explained the board is requesting an increase in fees to maintain a positive cash position. He said the increase is necessary to maintain the ability, efficiency and effectiveness in licensing veterinarian professionals and to protect public and animal safety in Idaho. He noted with more personal information stored electronically, it is paramount they protect the licensees information from cyber threats. He said they feel the increase is necessary to maintain the mission of the Board of Veterinary Medicine.

In response to a committee question, **Mr. Brown** said negotiated rule making was conducted with support for the fee increase.

MOTION: **Rep. Toone** made a motion to approve **Docket No. 46-0101-1902. Motion carried by voice vote.**

DOCKET NO. 02-0801-1900F: **Naomi LeGere-Gordon**, Executive Secretary, Idaho Sheep and Goat Health Board, explained there was no increase in fees. She said they were able to remove 16 restrictions in compliance with the Red Tape Reduction Act. She noted the changes were to increase ease of reading and to give greater clarity.

MOTION: **Rep. Kiska** made a motion to approve **Docket No. 02-0801-1900F. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:34 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AMENDED AGENDA #2
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Monday, January 20, 2020

DESCRIPTION	PRESENTER
College of Agriculture and Life Sciences Initiative updates	Dean Michael Parrella, Uof I
Aberdeen Research Center Project updates	Dr. Juliet Marshal, Research Professor, U of I
Financial Condition of Idaho Agriculture	Dr. Garth Taylor, U of I Economist

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Monday, January 20, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** None

GUESTS: Brent Olmstead, U of I CALS; Barbara Petty, U of I CALS; Mark Mcquire, U of I CALS; Cathy Roheim, U of I CALS

Chairman Boyle called the meeting to order at 1:29 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of the January 16, 2020 meeting. **Motion carried by voice vote.**

Brent Olstead, University of Idaho CALS, introduced the speakers for the meeting, **Dean Michael Parrella, Dr. Juliet Marshal, and Dr. Garth Taylor.**

Dean Michael Parrella, College of Agricultural and Life Science, explained the University of Idaho is a land grant from the State of Idaho. He said their mission is to expand opportunities for the working class to obtain a higher education. He said of the 225 faculty members, over half of them are located off campus in research, extension centers and UI extension offices. He stressed the importance of preparing ag teachers as 95 out of 113 districts have ag programs with 90% of the ag teachers receiving their degrees from CALS. Dean Parrella said the Nancy M. Cummings Research and Extension and Education Center was completed in December of last year. He said it will benefit the entire community as it serves the livestock industry. He explained future goals to build and operate the largest integrated research facility focused on dairy and allied industry in the United States. He stated the project will include research dairy, agronomics field plots, a discovery center and a food processing/workforce training facility. He said the CAFE will be a unique facility, with a 2,000 cow dairy similar in size to dairies in the Magic Valley and will afford opportunity for several surrounding states to combine information and benefit from the research done there. He explained renovations to the Parma Research Center continue, including equipment and infrastructure to support research and extension efforts.

Dr. Juliet Marshal, Research Professor, Aberdeen Research Center, explained she works out of the Aberdeen R & E Center where there are about 20 scientists including UI faculty working together with ARS (Agriculture Research Service) and NRCS (Natural Resources Conservation Services). She said it includes about 400 acres of which most is irrigated land. Dr. Marshal said considerable research is done in variety development of wheat, barley, potatoes and other crops, helping the growers have sustainable crops and economical production. She explained diseases threatening a variety of crops and the importance of controlling the disease to allow the grower greater profitability. She said the spore trap is a sampling network that enables them to predict what is going on in the field by extracting daily samples. Dr. Marshall said the ability of gene editing as a tool to make crops less susceptible or disease resistant is a large part of their research.

Chairman Boyle turned the gavel over to **Vice Chairman Troy.**

In response to a committee question, **Ms. Marshal** said they work hand in hand with Washington State as it is a very interrogated research society.

In response to a committee question, **Ms. Marshal** said with the new tools available in gene editing, there is not any impact on the flavor or health of a plant.

Dr. Garth Taylor, U of I Agricultural Economist, stated Idaho is the 5th largest ag state in the nation in percentage of GDP of the state's total GDP. He explained exports or new dollars drive the economy and one out of every five dollars in sales in the State of Idaho is either directly or indirectly created by Agriculture business. He said one out of every eight jobs in Idaho is either directly or indirectly created by Agri business as well. Dr. Taylor said since 1997, the US has grown 20% in real cash receipts whereas Idaho in the same period of time has grown 70% which is mostly due to milk having increased 200% in cash receipts. He stated Idaho hit a new record high in exports with about 20% of the total export products being agriculture. He said our main export markets are Canada and Mexico. He said farm income is up 50% to a new record high. He stated US net farm income grew 10% from 1997 to 2019 whereas Idaho's net farm income grew 150% in the same time period. He said this is a growing industry in our state.

Vice Chairman Troy turned the gavel over to **Rep. Zito**.

Dr. Taylor stated the future of farming is very bright with land prices and dairy herds increasing, beef prices are steady, forage prices follow beef prices and milk exports are up.

In response to a committee question about who is buying the milk produced, **Dr. Taylor** said the growth will come mostly in exports of dry milk. He said we now have access to the Canadian market and that is going to be a large part of the increase in exports.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:31 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Wednesday, January 22, 2020

SUBJECT	DESCRIPTION	PRESENTER
RS27368	Cattle Nutrient Plans	Rep. Raymond
DOCKET NO. 02-0000-1900F	Omnibus, Department of Agriculture	Brian Oakey, Deputy Director, ISDA
DOCKET NO. 02-0000-1900FA	Omnibus, Department of Agriculture	Brian Oakey

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, January 22, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Representative McCrostie

GUESTS: Laura Johnson, ISDA; Cindy Stark, ISDA; Mary Ann Nelson, DEQ; Annelise Eagleton, Idaho Conservation League; Brett Slaughter, IGPA; Bill Barton, ISDA; Marv Patten, Milk Producers of Idaho; Wyatt Prescott, ICA, Dennis Stevenson, DFM; Lloyd Knight, ISDA

Chairman Boyle called the meeting to order at 1:32 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the Thursday, January 16, 2020 meeting. **Motion carried by voice vote.**

RS 27368: **Rep. Raymond** stated since 2000, livestock feeding operations have been required to have a nutrient management plan in place. He said now there is a tool allowing livestock producers to utilize a web-based nutrient management planner, housed within the Idaho State Department of Agriculture where the information provided will keep confidential.

MOTION: **Rep. Troy** made a motion to introduce **RS 27368**. **Motion carried by voice vote.**

**DOCKET NO.
02-0000-1900F:** **Brian Oakey**, Deputy Director, Idaho State Department of Agriculture, explained the reason why agriculture dockets look different from some of the others is because there are additional legal requirements that must be met specific to the ISDA including an in-depth analysis for rules regulating human health and environment. Negotiated rule making was conducted, he said, and five comments were registered. He stated in following the governor's Red Tape Reduction Act, in the three rules of this section, 454 words were eliminated with three of those being restrictive.

Laura Johnson, Bureau Chief, Marketing Development, ISDA, said the Idaho Preferred Promotion Program is a volunteer program dedicated to identifying and promoting Idaho food and agriculture products. She said the program was established in 2004 and has been successful in helping growers expand their sales as well as increase awareness of Idaho products. She explained this rule governs the application procedures and the participation fees. She said negotiated rule making was conducted, repetitive language was removed and product qualification was updated to reflect newer products now being introduced.

Laura Johnson, said Certificates of Free Sale are for exports only as foreign countries often require this on processed products being imported into their countries. She stated it is not a US requirement but a foreign import requirement which is provided to the food processors who otherwise would not be able to ship their products to foreign markets. She stated there were no substitutive changes to the rule.

Cindy Stark, Administrator Inspections, ISDA, explained the Organic Food Products rule is a voluntary certification. She said there were no changes to the fees. She explained the sections consolidated, eliminated, definitions removed and changes made in wording for greater clarification.

MOTION: **Rep. Raymond** made a motion to approve Omnibus **Docket No. 02-0000-1900F**. **Motion carried by voice vote.**

DOCKET NO. 02-0000-1900FA: **Brian Oakey**, Deputy Director, ISDA, explained because of the formatting requirement they had to do a separate docket for these particular rules. He stated they took this as an opportunity to consolidate several rule chapters that regulate similar activities as well as reducing overall rule chapters and the number of pages in administrative code. He said over all there were 1970 words eliminated with 104 of those being restrictive.

Dr. Bill Barton, DMV Administrator, State Veterinarian, stated the Eggs and Egg Production rule adopts and republishes existing and previously approved rule chapters to be consistent with the Red Tape Reduction Act. He said some minor non-substantive changes have been made throughout the rule. He said redundancies and repetitive words have been removed and authority has been clarified. He said restrictive words have been eliminated or modified without changing the intent or meaning of the rule. He stated there are no new fees or increases to existing fees. He said this entire rule regulates an activity not regulated by the federal government. He explained this program establishes standards for grading, handling, and marketing of eggs and egg products in the state of Idaho.

Cindy Stark, explained the Bonded Warehouse rule adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor, non substantive revisions were made throughout the rule. She stated there was no increase to the fees or changes from previously approved fees in the prior rule. She said no comments were received during negotiated rule making. She explained one addition to address industry requested changes to statute adopted in 2019 listing the requirement for acceptance of electronic warehouse receipts.

Cindy Stark, explained the Commodity Dealers' rule adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor, non substantive revisions were made throughout the rule. She stated redundancies have been eliminated, all definitions moved to the definition section and restrictive words were eliminated or modified. She said there were no increases to the fees or changes from previously approved fees in prior rule making. It was determined by analysis the entire rule regulates an activity not regulated by the federal government. She said the rule clarifies the procedure for licensing, collection and remittance of assessment, determining claim value, maintaining electronic records, use of electronics scales and remedies to the department for non compliance for commodity dealers.

Cindy Stark, explained the Weights and Measures rule adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor, non substantive revisions have been made. She stated negotiated rule making began in 2019 and will continue in 2020. She stated there were no changes to the fees previously approved and codified in the prior rule. She said it was determined by analysis the entire rule regulates an activity not regulated by the federal government. She said three sections no longer applicable have been removed. She stated this rule is for commercial weighing and measuring devices, licensing of commercial weighing and measuring devices, the licensing of commercially used weights and measures, and to set annual licensing fees for weight and measuring devices.

Cindy Stark, explained the rule governing the Seed and Indemnity Fund adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor and non substantive changes have been made throughout the rule. She said there are no changes to the fees approve and codified in previous rules. The department conducted an analysis and determined the entire rule regulates an activity not regulated by the federal government. She stated this rule clarifies the procedure for licensing, collecting and remittance of assessment, determining claim value, maintaining electronic records, use of electronic scales and remedies of the department for non compliance for licensed seed buyers.

In response to a committee question, **Ms. Stark** explained there are federal standards but they do not regulate. She said there are industry sponsored rules put in place to protect procedures in the event of a failure. She said the standards to regulate insure commerce is equitable for all people.

Lloyd Knight, Division of Plant Industries Administrator, ISDA, stated at the request of the industry, they were able to combine the rules for planting Phascolus and non Phascolus beans into one rule. He said they did outreach with the bean industry, conducting three meetings facilitated by the Bean Commission. He detailed the changes as they lifted from one rule and applied it into the combined rule. He stated there were no increases to the fees and they were able to take out one section of fee assessment for customer labor because it is not practiced any longer. He said there were several changes to restrictive language scattered through out the rule.

In response to a committee question, **Mr. Knight** said the restrictive language concerning beans grown under irrigation is because of the disease prevalence that can happen under sprinkler irrigation versus dry land.

MOTION: **Rep. Kerby** made a motion to approve Omnibus **Docket 02-0000-1900FA; chapters, 02.02.11, 02.02.12, 02.02.13, 02.02.14, 02.02.15, and 02.06.06. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:36 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Tuesday, January 28, 2020

DOCKET NO.	DESCRIPTION	PRESENTER
<u>11-0200-1900F</u>	Idaho State Police, Idaho Brand Board	Cody Burlile, State Brand Inspector
<u>02-0000-1900</u>	Department of Agriculture	Brian Oakey, Deputy Director ISDA
<u>02-0000-1900A</u>	Department of Agriculture	Brian Oakey, Deputy Director ISDA

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 28, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Representative Kiska

GUESTS: Cody Burlile, Idaho Brand Board; Charlie Spencer, ISP; Bill Barton, ISDA; Benjamin Kelly, Food Producers; Marv Patten, MPI; Dennis Stevenson, DFM; Wyatt Prescott, ICA; Colby Cameron, DFM

Chairman Boyle called the meeting to order at 1:32 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the January 20 and 22, 2020 meetings. **Motion carried by voice vote.**

**DOCKET NO.
11-0200-1900F:** **Cody Burlile**, State Brand Inspector, explained there is only one rule chapter in the Omnibus action which is an existing rule previously reviewed and approved by the legislature. He said the rule does contain a fee change for equine brand inspections only, along with the additional changes made in line with the Red Tape Reduction Act. He said the fee changes underwent negotiated rule making in accordance with the normal rule making process and has met all necessary publication and bulletin requirements. He spoke to the history resulting in the fee changes within the docket. He said the Idaho Horse Council, Idaho Horse Board, Idaho Cattle Association and Idaho Dairy Association all participated in the negotiated rule making process and were in support of the proposed fee changes. He said there were no negative comments received during or after the required comment period. He detailed the areas affected by the fee increase including one fee decrease for Equine Farm Service Fee. He said they were able to consolidate two rule chapters, eliminate four pages of rules and eliminate 1185 restrictions representing a 50% reduction in restrictions from when they started last year.

In response to a committee question, **Mr. Burlile** said if there are cattle in conjunction with equine, only one service fee is charged.

In response to a committee question, **Mr. Burlile** said all parties are charged a farm service fee as the brand inspector goes from one location to another location to evenly distribute the cost of service.

Rep. Andrus, Troy, Toone, Raymond, Goesling, Stevenson and **Boyle** invoked Rule 80 stating a possible conflict of interest but they would be voting on the legislation.

MOTION: **Rep. Raymond** made a motion to approve Omnibus **Docket No. 11-0200-1900F**. **Motion carried by voice vote.** **Rep. Andrus** requested to be recorded as voting **NAY**.

**DOCKET NO.
02-0000-1900:**

Brian Oakey, Deputy Director, Idaho State Department of Agriculture, explained as part of the Omnibus rule making process, the ISDA accepted written comments from the public of which none were specific to these two rules. He said as the Produce Safety is a brand new rule from 2019, no substantive changes were made with the exception of some formatting changes where certain sections were moved to the cover page. He said there were 157 words deleted of which 17 were restrictive.

Dr. Bill Barton, DMV Administrator, State Veterinarian, stated this Omnibus rule adopts and republishes existing and previously approved rule chapters concerning prevention, surveillance, control, management and eradication of tuberculosis of the livestock in the state of Idaho. He said the Red Tape Reduction Act review was completed on the consolidated rule to update authority and eliminate unnecessarily repetitive, restrictive and redundant language while being careful to maintain the intent and meaning of the rule.

MOTION:

Rep. McCrostie made a motion to approve Omnibus **Docket No. 02-0000-1900. Motion carried by voice vote.**

**DOCKET NO.
02-0000-1900A:**

Brian Oakey, stated this Omnibus rule reauthorizes the eight previously approved non-fee rules. He said ISDA accepted written comments from the public, receiving three comments related to rules within this docket. He explained these rules are subject to additional rule making requirements in that the rule is broader in scope or more stringent than the federal law regulation or it regulates an activity not regulated by the federal government.

Dr. Bill Barton, DVM Administrator, State Veterinarian, explained this Omnibus rule for the airborne control of unprotected or predatory animals, adopts and republishes existing and previously approved rule chapters. He said the ISDA determined the entire rule is more stringent than federal regulations. He said this rule governs the issuance of permits for the airborne control of unprotected or predatory animals and establishes the duties of the permittees.

Dr. Bill Barton stated the Omnibus rule governing the artificial dairy products, adopts and republishes existing and previously approved rule chapters. He said a Red Tape Reduction Act review was completed on the rule to update authority and eliminate unnecessary, restrictive, and redundant language while being careful to maintain the intent and meaning of the rule.

Dr. Bill Barton stated this Omnibus rule adopts and republishes existing and previously approved rule chapters. He stated a Red Tape Reduction Act review was completed to update authority and to eliminate unnecessary and redundant language while being careful to maintain the intent of the rule. He said this rule upon analysis regulates an activity not regulated by federal regulations. He said this rule governs the production, processing, distribution and sale of raw milk for human consumption but not intended for pasteurization.

Dr. Bill Barton, stated this Omnibus rule governing brucellosis, adopts and republishes existing and previously approved rule chapters. He said to be consistent with the Red Tape Reduction Act, some minor non-substitutive revisions have been made throughout the rule. He said upon analysis it was determined some sections were broader in scope than federal regulations while other sections are not regulated by the federal government.

Dr. Barton stated this Omnibus rule governing the importation of animals, adopts and republishes existing and previously approved rule chapters. He said to be consistent with the Red Tape Reduction Act, some minor, non-substitutive revisions have been made. He said upon analysis it was determined some sections were more stringent than federal regulations while others were not regulated by the federal government.

Dr. Bill Barton stated this Omnibus rule governing the private feeding of big game animals, adopts and republishes existing and previously approved rule chapters. He said a Red Tape Reduction Act review was completed on the rule to update authority and illuminate unnecessary and redundant language while being careful to maintain the intent of the rule. He said upon analysis it was determined the entire rule is more stringent than the federal regulations.

Dr. Bill Barton stated this Omnibus rule governing deleterious exotic animals, adopts and republishes existing and previously approved rule chapters. He said a Red Tape Reduction Act review was completed on the rule to update authority and eliminate unnecessary and redundant language while being careful to maintain the intent of the rule. No substitutive changes were made.

Dr. Bill Barton stated this Omnibus rule governing trichomoniasis, adopts and republishes existing and previously approved rule chapters. He stated a Red Tape Reduction Act review was completed on the rule to update authority and eliminate unnecessary and redundant language while being careful to maintain the intent of the rule. He said upon analysis it was determined that the entire rule is more stringent than the federal regulations.

In response to a committee questions, **Dr. Barton** said there has not been any trichomoniasis found north of Riggins at this point but they have had very good compliance and it is important to keep it up while they continue to test for it.

MOTION: **Rep. Kerby** made a motion to approve Omnibus **Docket No. 02-0000-1900A. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:19 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Thursday, January 30, 2020

SUBJECT	DESCRIPTION	PRESENTER
	Farm Bureau Young Farmer and Rancher Committee	Jason Fellows, Farm Bureau Young Farmer and Rancher Committee Chair
<u>H 356</u>	Cattle Nutrient Plan	Rep. Raymond
<u>RS27433C1</u>	Potato Commission	Rep. Raybould

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle

Vice Chairman Troy

Rep Kerby

Rep Stevenson

Rep Zito

Rep Andrus

Rep Giddings

Rep Goesling

Rep Marshall

Rep Nichols

Rep Raymond

Rep Kiska

Rep Toone

Rep Abernathy

Rep McCrostie

COMMITTEE SECRETARY

Joan Majors

Room: EW11

Phone: 332-1137

email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, January 30, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
**ABSENT/
EXCUSED:** None
GUESTS: Meegan Sheppard, Office of the Governor; Wyatt Prescott, ICA; J W Wood, ICA

Chairman Boyle called the meeting to order at 1:33 p.m.

Jason Fellows, State Young Farmers and Ranchers Chairman explained the program is for young farmers and ranchers between the ages of 18 to 35. He said the program is to help build leaders who excel in agriculture and are advocates for agriculture in the future. He explained the program stresses personal growth, leadership development, advocacy and networking. He said it is helpful for the young producers to rub shoulders with others who are going through the same struggles.

In response to a committee question, **Jason Fellows** said the benefit of being involved in the program is to achieve personal growth, leadership skills, advocacy, and networking with other young farmers and ranchers.

In response to a committee question, **Mr. Fellows** said obtaining land is definitely a challenge for young farmers and ranchers starting out, as it is a valuable and limited commodity. He stressed the importance of networking with others to find ways to do more with less land.

In response to a committee question, **Paige Nelson**, Ribgy, stated there is a problem with retaining large animal veterinarians especially in smaller remote areas. She said many veterinarians prefer to work on smaller animals.

H 356: **Rep. Raymond** explained since 2000, it has been required for beef cattle feeding operations to submit a nutrient management plan to the Idaho State Department of Agriculture for approval. He explained there are many avenues to do this, including a third party planner. He explained recently the Idaho Department of Agriculture has updated it's electronic server and software system allowing nutrient management plans to be completed on line and automatically entered into the department's data base as an alternative means of completing the plan.

In a response to a committee question, **Rep. Raymond** said, under statute the State Department of Agriculture is obligated to protect the plan as private information.

Wyatt Prescott, Idaho Cattle Association stated they are **in support** of this legislation.

MOTION: **Rep. Marshall** made a motion to send **H 356** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raymond** will sponsor the bill on the floor.

RS 27433C1: **Rep. Raybould**, stated this proposed legislation provides general housekeeping updates for the Idaho Potato Commission (IPC) by establishing commissioners who serve at the pleasure of the governor, to provide anti-trust protection for the promotion and marketing activities of the IPC, and moving district boundaries for grower commissioners to better reflect production areas in the state, including the creation of an at-large grower commissioner in eastern Idaho. She explained this purposed legislation would change the appointment start date from September 15 to September 1, to better align with the calendar year. She said it will update the definition of "shipper" to include the role of vertically integrated growers with shipping operations and clarifies "grower," "shipper", and "processor" definitions shall only be used for determining qualifications for the IPC. She stated it will add a referendum process requiring support from at least six commissioners, including, growers, shippers and processors.

In response to a committee question **Rep. Raybould** explained every district is accounted for with one country per district. She explained potential overlap in the larger District One, which has two subdistricts.

MOTION: **Rep. Raymond** made a motion to introduce **RS 27433C1. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:58 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Tuesday, February 04, 2020

SUBJECT	DESCRIPTION	PRESENTER
DOCKET NO. <u>02-0303-1901</u>	Pesticide and Chemigation Use and Application	Victor Mason, Administrator for Agricultural Resources
DOCKET NO. <u>02-0104-1901</u>	Idaho Preferred	Laura Johnson, Bureau Chief, ISDA, Marketing
DOCKET NO. <u>02-0301-1901</u>	Pesticide Management Plans for Groundwater Protection	Victor Mason
DOCKET NO. <u>02-0415-1901</u>	Beef Cattle Animal Feeding Operations	Dr. Bill Barton, Administrator for Animal Industries
DOCKET NO. <u>02-0417-1901</u>	Dead Animal Movement and Disposal	Dr. Bill Barton
DOCKET NO. <u>02-0420-1901</u>	Brucellosis	Dr. Bill Barton
DOCKET NO. <u>02-0421-1901</u>	Importation of Animals	Dr. Bill Barton
DOCKET NO. <u>02-0423-1901</u>	Livestock Trucking Washing Facilities	Dr. Bill Barton
DOCKET NO. <u>02-0430-1903</u>	Environmental and Nutrient Management	Dr. Bill Barton

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, February 04, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** None

GUESTS: Clayton Seamons, Red Baron AG; George Parker, Crop Jet Aviation; Katie Bane, Idaho Ag Aviation Association; Leif Isaacson, Desert Air Ag Inc; Brandon Visser, Visser Ag Inc; Frankie Amen, Franicks Arrial Application; Mike Jurak, Red Baron Ag; Randy Quigley, IAAA; Laura Johnson, ISDA; Davaid Lehman, Primus Policy Group; Vic Mason, ISDA; Marv Patten, MPI

Chairman Boyle called the meeting to order at 1:33 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of Tuesday, January 28 and Thursday, January 30, 2020. **Motion carried by voice vote.**

**DOCKET NO.
02-0303-1901:** **Victor Mason**, Administrator for Agricultural Resources, explained this is a fee rule but no fees were added or increased as a result of the reauthorization. He added the department invited public comment but no written comments were received. He said this rule proposes a standard necessary to protect human health and the environment. He said there were several sections identified broader in scope or more stringent than federal regulations or regulates an area not regulated by the federal government. He stated as a result of the Red Tape Reduction Act, 1755 words were eliminated of which 48 were restrictive.

MOTION: **Rep. Goesling** made a motion to approve **Docket No. 02-0303-1901.**

David Lehman, Primus Policy Group, explained he is representing the Idaho Agriculture Aviation Association. He stated one area of concern is the low flying prohibition, in that the state regulation is more restrictive than the federal regulation and it has become an increasing concern as the state becomes more urbanized.

George Parker, Crop Jet Aviation, spoke to the differences between the federal regulations and the state regulations in section 310. He expressed the inconsistency of expectation in notifying all structures in the vicinity of flight application compared to the expectations of the federal regulations.

In response to committee members concern about the restrictions of Idaho rules, **Brian Oakey**, Deputy Director ISDA, stated this rule, which was put in place in 1997, was most likely a collaboration of advisors in the industry who were given the opportunity to decide what they'd like to see on this particular issue in the Idaho rules. He said each year the opportunity is there to come during the rule making process to suggest needed changes. He explained this year was more difficult because of the Omnibus rule making process.

David Lehman, stated because the FAA is already enforcing the regulations, the Idaho rule is a secondary enforcement. He said they are asking to remove the rule requiring action on behalf of the department to enforce rules that are already being enforced at the federal level.

Brian Oakey, in response to a committee question, explained historically, public notification prior to spraying served as a sufficient means of notification throughout the season. He went on to say the department's authority to regulate pesticides is not only in the application, but also in the transportation of pesticides throughout the state of Idaho.

David Lehman, explained wind velocity and hazardous area restrictions are similar and are regulated by the federal government through the use of the EPA label on the chemicals. He said the label is law and is based on the most current restrictions available at the federal level whereas the Idaho rule has not been updated in over 20 years. He said this matters because the technology and the application processes have changed dramatically over this same period of time.

In response to a committee question, **Mr. Lehmen** said the ISDA has primacy on regulating these issues so they have authority to regulate based on EPA standards which are updated on a per label bases or anytime the product is changed.

In closing, **Brian Oakey**, clarified the position of the ISDA department when it comes to changing statute, the legislature is the policy maker who makes those changes. He said concerning rules, the ISDA looks to the experts in the field through negotiated rule making to update rules, seeing ISDA's role as a type of referee.

**MOTION
WITHDRAWN:**

Rep. Goesling withdrew his motion to approve **Docket No. 02-0303-1901**.

MOTION:

Rep. Andrus made a motion to approve **Docket No. 02-0303-1901** with the exception of sections **310, 320, 550 sub section 03 and 600**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:54 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Thursday, February 06, 2020

DOCKET	DESCRIPTION	PRESENTER
<u>02-0104-1901</u>	Idaho Preferred (pg 88)	Laura Johnson, Bureau Chief, ISDA
<u>02-0301-1901</u>	Pesticide Management Plans for Groundwater (pg 128)	Victor Mason, Adm for Ag Resources
<u>02-0415-1901</u>	Beef Cattle Animal Feeding Operations (pg 140)	Dr. Bill Barton, Adm for Animal Industries
<u>02-0417-1901</u>	Dead Animal Movement and Disposal (pg 148)	Dr. Bill Barton
<u>02-0420-1901</u>	Brucellosis (pg 155)	Dr. Bill Barton
<u>02-0421-1901</u>	Importation of Animals (pg 161)	Dr. Bill Barton
<u>02-0423-1901</u>	Livestock Trucking Washing Facilities (pg 174)	Dr. Bill Barton
<u>02-0430-1903</u>	Environmental and Nutrient Management (pg 182)	Dr. Bill Barton
<u>02-0202-1901</u>	Grading and Controlled Atmosphere Storage of Apples (pg 93)	Cindy Stark, Adm for Ag Inspections
<u>02-0205-1902</u>	Rules Governing Stone Fruit (pg 109)	Cindy Stark
<u>02-0212-1901</u>	Bonded Warehouse (pg 118)	Cindy Stark

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, February 06, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** None

GUESTS: Laura Johnson, ISDA; Vic Mason, ISDA; Cindy Stark, ISDA; Jay Shaw, DFM
Chairman Boyle called the meeting to order at 1:32 p.m.

**DOCKET NO.
02-0104-1901:** **Laura Johnson**, Bureau Chief, ISDA, stated negotiated rule making was conducted with some modest changes to the rule. She said new categories were created for some existing product qualifications and certain processed food and beverages. She also said the beef qualifications were revised to be consistent with other meat products. She explained the Idaho Preferred Promotion Program is a voluntary marketing program which provides standards, not regulations for Idaho products.

MOTION: **Rep. Andrus** made a motion to approve **Docket No. 02-0104-1901. Motion carried by voice vote.**

**DOCKET NO.
02-0301-1901:** **Victor Mason**, Administrator for Agricultural Resources, stated this rule was previously approved and codified. He said the rule establishes a process for responding to pesticide detection in ground water, development of a pesticide management plan and setting levels of response to a pesticide detection. He said in compliance with the Red Tape Reduction Act, 596 words were removed with 62 of those being restrictive.

MOTION: **Rep. Stevenson** made a motion to approve **Docket No. 02-0301-1901. Motion carried by voice vote.**

**DOCKET NO.
02-0202-1901:** **Cindy Stark**, Administrator for Agricultural Inspections, explained two rules previously approved were combined into one rule in order to streamline and simplify rules relating to apples. She said after analysis, it was found some sections regulate an activity not already regulated by the federal government.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 02-0202-1901. Motion carried by voice vote.**

**DOCKET NO.
02-0205-1902:** **Cindy Stark** stated no substitutive changes were made to the three rules governing stone fruit including cherries, prunes and apricots. She said all three rules have been consolidated into one in accordance with the Red Tape Reduction Act. She stated having been previously approved, the consolidation was reviewed to update authority, and remove restrictive and redundant language.

MOTION: **Rep. Goesling** made a motion to approve **Docket No. 02-0205-1902. Motion carried by voice vote.**

DOCKET NO. 02-0415-1901: **Dr. Bill Barton**, Administrator for Animal Industries, stated this pending rule was previously approved and codified. He said in compliance with the Red Tape Reduction Act, the rule was reviewed for repeal of non-substantive sections while maintaining the original intent. He said some sections were more restrictive or broader in scope than the federal law. He explained this rule establishes standards for the storage and management and application of manure on beef cattle animal feeding operations.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0415-1901. Motion carried by voice vote.**

DOCKET NO. 02-0417-1901: **Dr. Barton** explained this rule adopts a previously approved and codified chapter establishing standards for the management and disposal of livestock carcasses to best protect the environment and human health. He stated this entire rule is not governed by federal standards.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0417-1901. Motion carried by voice vote.**

DOCKET NO. 02-0420-1901: **Dr. Barton** explained the rule will reduce the Brucellosis test eligible age of cattle/bison from 18 months to 12 months. He explained this was necessary to minimize restrictions on interstate market access for Idaho cattle producers. He explained the second change will remove Idaho origin as a prerequisite for adult Brucellosis vaccination of cattle/bison, as this designation is an unnecessary regulation that no longer poses a risk to the cattle industry.

MOTION: **Rep. Kiska** made a motion to approve **Docket No. 02-0420-1901. Motion carried by voice vote.**

DOCKET NO. 02-0421-1901: **Dr. Barton** explained there were 11 stakeholders who participated in negotiated rule making. He said the first change is to the Extended Validity Equine Certificate to allow participation in an electronic equine program and modify the requirement of a certificate. The second change amends entry permit language to allow for Idaho's use of the online livestock entry permit database. He said the third change will eliminate the Brucellosis testing requirement for import of domestic cervidae originating from a state/region that is declared Brucellosis free.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0421-1901. Motion carried by voice vote.**

DOCKET NO. 02-0423-1901: **Dr. Barton** stated this pending rule adopts a previously approved and codified rule. He said the rule establishes standards for the permitting and management of commercial livestock truck washing facilities in Idaho while protecting human health and the environment. He stated this entire rule is an activity not regulated by the federal government.

MOTION: **Rep. Goesling** made a motion to approve **Docket No. 02-0423-1901. Motion carried by voice vote.**

DOCKET NO. 02-0430-1903: **Dr. Barton** explained in order to streamline and simplify the rules, four rules related to general environment regulations on agriculture and livestock facilities were combined into one. He said no substitutive changes were made. He said this rule in its entirety regulates an activity not regulated by the federal government.

MOTION: **Rep. Marshall** made a motion to approve **Docket No. 02-0430-1903. Motion carried by voice vote.**

DOCKET NO. 02-0212-1901: **Cindy Stark** explained this rule is unique in that it is both a pending and a pending fee rule. She explained there are sections of the rule broader in scope than federal law or regulations. She stated the rule was reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act. She said there were no substitutive changes to the original rule.

MOTION: Rep. Troy made a motion to approve **Docket No. 02-0212-1901. Motion carried by voice vote.**

ADJOURNED: There being no further business to come before the committee, the meeting was adjourned at 2:25 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AMENDED AGENDA #1
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Monday, February 10, 2020

SUBJECT	DESCRIPTION	PRESENTER
	Joint Finance - Appropriations Budget	Celia R. Gould, Director
	ISDA Budget Analysis	Rob Sepich, Senior Budget Policy Analyst
<u>RS27688</u>	Pesticide and Chemigation - Restrictions and Penalties	David Lehman, Primus Policy

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle

Vice Chairman Troy

Rep Kerby

Rep Stevenson

Rep Zito

Rep Andrus

Rep Giddings

Rep Goesling

Rep Marshall

Rep Nichols

Rep Raymond

Rep Kiska

Rep Toone

Rep Abernathy

Rep McCrostie

COMMITTEE SECRETARY

Joan Majors

Room: EW11

Phone: 332-1137

email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Monday, February 10, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
**ABSENT/
EXCUSED:** Representative (s) McCrostie, Nichols
GUESTS: Vic Mason, ISDA; Chanel Tewalt, ISDA; David Lehman, Primus Policy; Brad Carlson. Capitol Press; Marv Patten, MPI; Brad Griff, ISGA; Doug Paddock, IORC; Irene Ruiz, IORC

Chairman Boyle called the meeting to order at 1:31 p.m.

RS 27688: **David Lehman**, Primus Policy, said the proposed legislation clears up sub-sections and clarifies prohibited acts. He said the EPA labels on all pesticides and herbicides provide ample direction on how to safely apply the chemicals. He asked that "faulty" and "careless" be taken out of the statute as those terms are difficult to define. He explained they are asking the department to go through the rule making process to put the guidance and penalty matrix into rule, clarifying restrictions and penalties.

MOTION: **Rep. Kiska** made a motion to introduce **RS 27688. Motion carried by voice vote.**

Celia Gould, Director of the Department of Agriculture, reviewed the accomplishments from 2019, including the organic program certification, greater marketing opportunities and continued growth of the invasive species program. She explained two new people were added to staff while taking on additional projects as in the Animal Health lab. She stated in the past 13 years the ISDA's budget has been increasingly based on dedicated funds as they are less reliant on general funds. She said as the agriculture farmers are aging and less family farms are successfully passed on to the next generation, they are creating a new program to assist family farms, veterans and emerging farmers. She concluded saying despite the challenges of labor shortages, trade headwinds, and transportation problems, Idaho's agriculture is full of promise.

Chanel Tewalt, Chief Communication Officer ISDA, in response to a committee question, explained depending on what the Hemp agricultural program looks like, it could take up to three years for the program to become solvent.

Rob Sepich, Senior Policy Analyst, briefly explained the historical summary of the Department of Agriculture budget. He summarized the Governor's recommendation items, highlighting changes to the sick leave reserve fund. He continued by explaining the OITS Governor's recommendations, including IT consolidation and modernization, operating cost allocated for security software and physical space of the data centers. Also included is service and licensing for software programs and the agency tech consolidation of the IT staff.

In response to a committee question, **Director Gould** explained the four items under the program maintenance are the main goals for the Governor going forward.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:18 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Wednesday, February 12, 2020

DOCKET NO.	DESCRIPTION	PRESENTER
	Idaho Grain Producers, River Systems and Transportation	Stacey Satterlee, Executive Director Idaho Grain Producers Paul Arrington, Executive Director Idaho Water Users William Hart, Executive Director Idaho Consumer Owned Utilities Dave Doeringsfeld, General Manager Port of Lewiston
<u>02-0207-1901</u>	Rules Governing Bulk Permits (pg 117)	Cindy Stark, Administrator for Agriculture Inspections
<u>02-0403-1901</u>	Rules Governing Animal Industry (pg 151)	Dr. Bill Barton, Administrator for Animal Industries
<u>02-0405-1901</u>	Rules Governing Grade A Milk and Manufactured Grade Milk (pg 173)	Dr. Bill Barton
<u>02-0426-1901</u>	Rules Governing Public Exchange of Livestock (pg 203)	Dr. Bill Barton
<u>02-0432-1901</u>	Rules Governing Poultry Operations (pg 220)	Dr. Bill Barton

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

Rep Zito

Rep Nichols

Rep McCrostie

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, February 12, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
**ABSENT/
EXCUSED:** None
GUESTS: Cindy Stark, ISDA; Cathy Wilson, IWC; Jason Durrant, IWC; Casey Chumrau, IWC; David Doeringfeld, Port of Lewiston; Lauren Markuson, IWUA; Samantha Guerrero, IORC; Garret Visser; Jay Shaw, Oar/DFM

Chairman Boyle called the meeting to order at 1:33 p.m.

Chairman Boyle expressed her appreciation for this sessions page, **Riata Chandler**, and thanked her for her diligent service.

Paul Arrington, Executive Director Idaho Water Users Association, said the Coalition for Idaho Water was formed in 1990, by the Idaho Grain Producers Association and the Idaho Water Users Association. He said they are addressing four areas today; Columbia River System Operations, Columbia Basin Partnership, Governor's Salmon Workgroup and Washington's Governor's Orca Taskforce. He explained the impact of the water system on Idaho's economy and agricultural industries reliance on the Lewiston Port and river ways.

Will Hart, Executive Director Idaho Consumer Owned Utilities Association, stated he represents 11 rural electric cooperatives and 11 municipal power companies providing power to over 137,000 Idahoans across the state. He said their utilities deliver electricity to consumers at cost and no member operates on a for profit basis. He said some of the benefits to hydropower are that it is renewable, flexible and reliable, affordable and the ratepayers help support fish and wildlife programs.

Stacey Satterlee, Executive Director Idaho Grain Producers, said Idaho wheat is the second largest cash crop in the state with 42 out of 44 counties in Idaho growing wheat. She said about half of the wheat grown in Idaho is imported to other countries such as Japan, Mexico and Korea with the other 50% staying in the US. She said barging the wheat to market is the least expensive, and most environmentally friendly way to transport it.

Dave Doeringfeld, General Manager for Port of Lewiston, explained nearly 10% of all US wheat exports move by barge on the Snake River. He stated removal of the lower snake river dams would cost the nation \$4 billion over 30 years, not including dam removal or power replacement. He noted that breaching the Snake River dams would increase transportation and storage cost by 50% to 100%. He further explained removal would affect over 1,100 family farms putting them at risk for bankruptcy while increasing cost of transportation, railroad, grain storage, highways and local infrastructure.

DOCKET NO. 02-0403-1901: **Dr. Bill Barton**, Administrator for Animal Industries, reported in order to streamline and simplify rules related to the prevention, mitigation, testing and reporting requirements for domestic animals, two rules were combined into a single rule. He noted there were no substitutive changes to either rule.

In response to a committee question, **Dr. Barton** clarified the \$25 fee is only for those who perform services for a fee.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0403-1901. Motion carried by voice vote.**

DOCKET NO. 02-0405-1901: **Dr. Barton** stated four rules were combined into one, each pertaining to the inspection, production, processing, analysis and transport of Grade A and Manufactured Grade Milk and Milk Products. He reported no substitutive changes were made nor was there an increase in the fee.

MOTION: **Rep. Kerby** made a motion to approve **Docket No. 02-0405-1901. Motion carried by voice vote.**

DOCKET NO. 02-0426-1901: **Dr. Barton** stated this rule addresses regulations pertaining to how livestock must be properly identified, quarantined and have their movement documented when being bought, sold or exchanged. He said the consolidated rule was reviewed to update authorities and eliminate unnecessarily restrictive and redundant language. He explained there were no increases or new fees.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0426-1901. Motion carried by voice vote.**

DOCKET NO. 02-0432-1901: **Dr. Barton** explained there were no changes to the pending fee rule and it is being adopted as originally proposed. He said this rule governs poultry operations, establishing standards for the storage, management and application of nutrients from commercial facilities.

MOTION: **Rep. McCrostie** made a motion to approve **Docket No. 02-0432-1901. Motion carried by voice vote.**

DOCKET NO. 02-0207-1901: **Cindy Stark**, administrator for Agriculture Inspections, explained two rules were combined relating to the retail sale, inspection and bulk permitting of potatoes in Idaho. She reported there were no substitutive changes nor any changes in the fees. She said the consolidated rule was reviewed to update authority, eliminate unnecessarily restrictive language and redundancy.

MOTION: **Rep. McCrostie** made a motion to approve **Docket No. 02-0207-1901. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned 2:55 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Tuesday, February 18, 2020

DOCKET NO.	DESCRIPTION	PRESENTER
	State FFA Officers Presentation	Herman Roberts, State President, from Preston FFA
02-0000-1900-FA	Omnibus Fee Rule	
02.04.19	Rules Governing Domestic Cervidae (pg 88)	Dr. Bill Barton, Administrator for Animal Industries
	Amalgamated Sugar	John McCreedy, President and CEO Amalgamated Sugar
	Sugar Beet Growers	Randy Grant, President Idaho Sugarbeet Growers Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, February 18, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** None

GUESTS: Katy Doumit, Idaho FFA; Sydney Plum, Idaho FFA; Cassidy Plum, Idaho FFA; Shalani Wilcox, Idaho FFA Association; Katie Hettinga, Idaho FFA; Herman Roberts, Idaho FFA

Chairman Boyle called the meeting to order at 1:33 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of the February 4, February 5, February 10, and February 12, 2020, meetings. **Motion carried by voice vote.**

Kaela Davis was welcomed and introduced to the committee as the page for the second half of the session.

FFA Officers, **Herman Roberts**, State President, **Shalani Wilcox**, State Vice President, **Cassidy Plum**, State Secretary, **Katie Hettinga**, State Treasurer, **Sydney Plum**, State Reporter and **Katy Doumit** introduced themselves to the committee. They stated the FFA Mission Statement; To make a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education. They explained the FFA motto of Learning to do, Doing to learn, Earning to love and Loving to serve, with the FFA functioning with-in the three-circle model of agricultural education as a student leadership organization complementing the student's classroom instruction and agricultural experiences. They reported there are 95 chapters of FFA in the state and they are continuing to grow. Speaking of their international trip to Spain and Portugal earlier this year, they were able to tour several cork farms, cattle ranches and farms in both countries. They spoke of their appreciation of the different cultures and sited the differences in agriculture and ranching. They said it helped them to gain a greater appreciation of other cultures.

The committee noted the use of the term "Global Citizens" and encouraged the FFA leadership to research the full meaning as it pertains to activism in setting up a world government, which is a lot different than the meaning of being able to feed the world.

02-0000-1900FA **Dr. Bill Barton**, Administrator for Animal Industries, stated this rule governs procedures for the detection, prevention, control and eradication of diseases among domestic cervidae including facilities, record keeping and reporting requirements of domestic cervidae ranches. He said there were no substitutive changes nor increases to the established fees.

In response to a committee question concerning meningeal worms, **Dr. Barton** said there has not been any cases found in Idaho. He said there is a very strict de-worming policy as well as annual checks.

MOTION: **Rep. Troy** made a motion to approve Omnibus **Docket No. 02-0000-1900FA, Chapter 02.04.19. Motion carried by voice vote.**

Roy Eiguren, representing Amalgamated Sugar, introduced **John McCreedy**, CEO and President.

John McCreedy, President and CEO of Amalgamated Sugar, said Amalgamated Sugar was purchased in 1997, by the Snake River Sugar Company, a grower-owned cooperative employing around 1600 workers. He said they have three processing plants in Idaho producing 19% of all domestically produced sugar. He explained looking to the future, they plan to make significant capitol investments over the next five years in their facilities while continuing to maximize diversification opportunities to find additional potential streams of revenue. He explained their legislative priorities as transportation, finding new talent and continuing agricultural research.

In response to a committee question, **Mr. McCreedy** said they are at capacity in their ability to process the sugarbeets grown in Idaho at this time. It is in their long range goals to be able to process more acres than is being grown now.

Brad Griff, Executive Director of Idaho Sugarbeet Growers, introduced **Randy Grant**, President of Idaho Sugarbeet Growers.

Randy Grant, President of Idaho Sugarbeet Growers, stated their mission is to promote the sugarbeet industry. He said they are made up of 540 members divided into five local organizations. He said they grow over 180,000 acres of sugarbeets. He explained because farmers can control the amount of water through irrigation during growing season, it enables them to attain higher sugar content in the sugarbeets. He said this past season was the third highest in their history.

In response to a committee question, **Mr. Grant** said as far as he knows there are no organic sugarbeets grown in the nation. He said before Round-up Ready Sugarbeets, the chemicals used were much harsher.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:47 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Thursday, February 20, 2020

DOCKET NO.	DESCRIPTION	PRESENTER
<u>42-0101-1900F</u>	Idaho Wheat Commission (pg 405-408)	Blaine Jacobson, Executive Director
<u>02-0601-1901</u>	Production and Distribution of Seeds (pg 232)	Lloyd Knight, Administrator
<u>02-0602-1902</u>	Registrations and Licenses (pg 258)	Lloyd Knight
<u>02-0604-1901</u>	Plant Exports (pg 282)	Lloyd Knight
<u>02-0605-1901</u>	Plant Disease and Quarantines (pg 299)	Lloyd Knight
<u>02-0601-1901</u>	Growing of Potatoes (pg 357)	Lloyd Knight

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, February 20, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Representative(s) Marshall, Nichols

GUESTS: Blaine Jacobson, Wheat; Richard Durant, Producer; James Kress, Wheat; Ned Moon, Wheat Commission; Casey Chumrau, Wheat Commission; Joseph Anderson, Wheat Commission; Joe Anderson, Wheat Commission; Rich Garber, Wheat Commission; Stacey Satterlee, Wheat Commission; Lloyd Knight, ISDA; Clark Hamilton, IWC; Colby Cameron, DFM; Jay Shaw, OAR/DFM;

Chairman Boyle called the meeting to order at 1:36 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of Tuesday, February 18, 2020 meeting. **Motion carried by voice vote.**

DOCKET NO. 42-0101-1900F: **Blaine Jacobson**, Executive Director of the Idaho Wheat Commission introduced the commission board members attending the meeting today. He gave a brief history of the rule before the committee. He explained the rule was revised in 2018, and stands today with only minor grammar and spelling changes of the previously approved and adopted rule. He said the rule allows the commission to compile a list of the growers with their contact information. He said they surveyed 11 of the largest elevator operators and found eight were satisfied and reported back with positive comments immediately. He said the other three also confirmed they were satisfied with the commission's work. He explained the confidentiality of the growers' information is protected in statute and kept under lock and key.

Richard Durant, Wheat Producer explained he had worked with **Mr. Jacobson** to bring forth rules they could all agree on. He said he supports the need for the commission to have the ability to contact the growers, and cited examples of when it would be important to inform members in a timely manner.

Jamie Kress, Wheat Grower spoke on behalf of the grain producers acknowledging work can only be accomplished when the commission has access to the contact information of it's members.

MOTION: **Rep. Troy** made a motion to approve **Docket No. 42-0101-1900F**. **Motion carried by voice vote.**

DOCKET NO. 02-0601-1901: **Lloyd Knight**, Administrator Plant Industry Division explained this rule has combined three previously approved and adopted rules in order to streamline and simplify rules related to seed production. He said there were no substitutive changes made. He said they reviewed and updated authorities and eliminated restrictive language with no changes to the fees in place.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0601-1901**. **Motion carried by voice vote.**

DOCKET NO. 02-0602-1902: **Lloyd Knight** said in order to streamline and simplify rules related to licenses and registration, the ISDA combined all five rules into one. He said there were no substitutive changes made to any of the rules, however they were reviewed for repeal and amendment of certain sections consistent with the guidance and direction provided in the Red Tape Reduction Act.

MOTION: **Rep. Andrus** made a motion to approve **Docket No. 02-0602-1902. Motion carried by voice vote.**

DOCKET NO. 02-0604-1901: **Lloyd Knight** said these three rules all related to plant exports were combined into one single rule in order to streamline and simplify according to the Red Tape Reduction Act. He said the consolidated rule was reviewed to update authority and eliminate unnecessary language.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0604-1901. Motion carried by voice vote.**

DOCKET NO. 02-0605-1901: **Lloyd Knight** stated 11 previous rules related to the regulation and quarantine of certain crops to prevent the spread of plant disease and pests were combine into one single rule in order to streamline and simplify rules in accordance with the Red Tape Reduction Act. He said no substitutive changes were made to any single rule.

MOTION: **Rep. Kiska** made a motion to approve **Docket No. 02-0605-1901. Motion carried by voice vote.**

DOCKET NO. 02-0610-1901: **Lloyd Knight** said four rules all pertaining to the regulation of the planting and growing of potatoes to prevent the spread of pests and diseases, were combined into a single rule. He said no substitutive changes were made to the four rules combined in order to simplify in accordance with the Red Tape Reduction Act.

In response to a committee question concerning the Potato Cyst Nematode, **Mr. Knight** said previous import markets that had been closed to Idaho potatoes are now opening back up and the efforts to control the spread of the nematode have been successful for the most part but continues to be a long process for total eradication.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 02-0610-1901. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:23 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AMENDED AGENDA #1
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Monday, February 24, 2020

SUBJECT	DESCRIPTION	PRESENTER
	United Dairymen of Idaho	Karianne Fallow, CEO United Dairymen
	Presentation on Quinoa	Jeremy Clark, American Mills
<u>H 487</u>	Pesticide, Prohibitions	David Lehman, Primus Policy

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Monday, February 24, 2020
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
**ABSENT/
EXCUSED:** None
GUESTS:

The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Boyle called the meeting to order at 2:14 p.m.

Karianne Fallow, CEO of United Dairywomen said there is a lot of misguided headlines concerning dairy and she stressed dairy is alive and well with new innovation in several areas. She stated their mission is to inspire trust in dairy farming and dairy products and to build demand for dairy products around the world.

In response to a committee question, **Ms. Fallow** clarified the Dairy Checkoff is the program dairywomen pay into that promote sales and distribution of dairy products.

Ms. Fallow recounted the early history to the current regional organization stating since the Dairy Checkoff began, per person dairy consumption has grown by 73 pounds. She said 16% of production is exported. She emphasized the new markets for milk and dairy products.

In response to a committee question, **Ms. Fallow** said they have had great success working with partners like McDonald's and Pizza Hut and although fluid milk is declining, cheese, butter, yogurt and high protein drinks are increasing.

Jeremiah Clark, American Mills explained while researching a non-gluten diet for his son, he came across quinoa as an alternative to wheat which led him to begin the operation he now runs, milling quinoa. He stated more quinoa is grown in Idaho than all the other states combined. He explained the equipment developed to clean the seed and the process of finding the correct way to plant and harvest over several seasons. He said there are no pesticides used on quinoa. He said their first harvest was 1,000 pounds per acres but now they are getting around 3,000 pounds per acres. He discussed the difference in growing quinoa in Northern Idaho versus Southeastern Idaho and said too much rain or moisture will ruin the crop.

In response to a committee question, **Mr. Clark** said the consumer draw is because it is an alternative to gluten products, and it is a complete protein, easy to digest.

H 487: **David Lehman**, Primus Policy representing Idaho Agriculture Aviation explained this legislation eliminates ambiguous language within the statute and adds new language that will require the Department of Agriculture to promulgate rules related to penalties and restrictions due to violations of this section through a negotiated rule making process. He said the regulated community should have a role in discussing the regulators penalties and restrictions applied to their businesses and that can happen through Negotiated Rule Making.

Randy Quigley, IAAA said prior to working with aerial applicators, he worked for the Department of Agriculture handling EPA violations and doing investigations. He stated his concern was that the violations are made clear but the penalties or fines for said violations are arbitrary. He explained that years ago the Penalty Matrix (See attachment 1) worked well and was followed but over the past few years he has been told by the enforcement officer, the matrix is only advisory and they do not have to follow it. He said license suspension could mean the loss of large amounts of money for the pilot not only affecting him but also the company and the farmer he is working for. He said ideally this would be put into statute but he does have faith in the Negotiated Rule Making process to effect change.

MOTION: **Rep. Zito** made a motion to send **H 487** to the floor with a **DO PASS** recommendation.

John Cooper, Agriculture Pilot, Business Owner voiced concern that a 17 day license suspension could potentially impose a fine for over 1 million dollars. He said there needs to be Negotiated Rule Making to outline fines and update the processes that have not changed in over 20 years.

Jonathan Oppenheimer, Idaho Conservation League referred to the Attorney General's opinion (See attachment 2) that some elements within the existing statute were broader in scope and more restrictive than the federal law. He said although this may be disputed, the A.G.'s office said there had only been one violation in recent history. He expressed concern that Negotiated Rule Making requiring a review every five years would be costly and pointed out, that particular requirement is not in any other statute. He asked the bill be held in committee until there could be further review.

Clayton Seamons, Red Baron Ag explained his experience being charged with a violation and going into the meeting where the maximum penalties were laid out. He recounted what his company did in response to the violation by creating worker protection trainings.

SUBSTITUTE MOTION: **Rep. Marshal** made a substitute motion to hold **H 487** for time certain, February 26, 2020.

Committee members speaking **in support** of the substitute motion felt they needed more time to review and that perhaps there was a better way to address the concerns of the industry through changes to the statute.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Motion failed by a vote of 7 NAY and 5 AYE. Voting in favor** of the motion; **Reps. Kerby, Marshall, Raymond, Toone and Abernathy. Voting in opposition** to the motion; **Reps. Troy, Stevenson, Zito, Andrus, Nichols, McCrostie and Boyle. Reps. Giddings, Goesling and Kiska were Absent/Excused.**

Discussion on the original motion was held. Committee members **in support** of the motion felt those in the industry needed relief this year. They indicated the number of supporters who were directly involved had shown up supporting the legislation.

VOTE ON ORIGINAL MOTION: **Chairman Boyle** called for a vote on the original motion to send **H 487** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Toone** requested to be recorded as voting **NAY. Rep. Boyle** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:17 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

IDAHO STATE DEPARTMENT OF AGRICULTURE

IDAHO PESTICIDES AND CHEMIGATION LAW

Penalty Assessment Guidelines and Matrix

Effective June 20, 2000



RECEIVED

JUN 21 2000

LEGAL BUREAU
IDAHO DEPARTMENT OF AGRICULTURE

IDAHO STATE DEPARTMENT OF AGRICULTURE
IDAHO PESTICIDES AND CHEMIGATION LAW
Penalty Assessment Guidelines and Matrix

Any person who violates applicable provisions of the Idaho Pesticides and Chemigation Law (Idaho Code, Title 22, Chapter 34) and/or the Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application, IDAPA 02.03.03, shall be subject to enforcement action by the Idaho State Department of Agriculture (the Department).

The Department must first establish, through investigations and evidentiary documentation, that the person violated the Idaho Pesticides and Chemigation Law and/or the Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application. After the Department determines the nature of the violation and the applicable charge under the Idaho Pesticides and Chemigation Law and/or the Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application, the Department will refer to the Penalty Assessment Guidelines and Matrix. The Penalty Assessment Guidelines and Matrix are intended to assist the Department in determining an appropriate level of enforcement for the violation(s).

The Penalty Assessment Guidelines and Matrix are designed to include most violations, which may be committed by licensed or unlicensed applicators, mixer-loaders and dealers. These guidelines are only intended to suggest levels of enforcement for violations. Situations may arise which are not adequately addressed by these guidelines. In such cases, the Director or designated representative of the Director may levy any penalty appropriate under existing law.

To expedite resolution of alleged violations, the Department encourages all persons who may be subject to enforcement action to confer informally with the Director's representative regarding alleged violations and proposed penalties.

Nothing in these guidelines shall prevent the Department from:

- (1) Choosing not to pursue a case administratively.
- (2) Referring any violation to the Environmental Protection Agency or to the appropriate prosecuting authority for legal action regardless of the Department's level of enforcement for that action.

Definitions

In using these guidelines, the following definitions shall apply:

1. "Adverse effect(s)" means a possibility of pesticide exposure that could cause damage or injury to humans, animals, plants, or the environment. Factors considered include, but are not limited to, the risk associated with a particular action(s) and the pesticide(s) involved.

2. "Knowingly" means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur. In determining whether an alleged violator knew or should have known about potential adverse effects or the nature of a violation, the Department will consider a person's licensing status, prior contact(s) with the Department, prior audits related to the violation, past enforcement action(s) (to the extent these factors apply), and any other relevant evidence.

3. "Level of violation" means that the alleged violation is a first, second, third, fourth or more violation.

(a) "First violation" means that the alleged violator has no prior incident(s), which resulted in a violation within three years prior to the alleged violation under review.

(b) "Second violation" means that the alleged violator has one prior incident, which resulted in a violation within three years prior to the alleged violation under review.

(c) "Third violation" means that the alleged violator has two prior incidents, which resulted in a violation within three years prior to the alleged violation under review.

(d) "Fourth or more violation" means that the alleged violator has at least three prior incidents, which resulted in a violation within three years prior to the alleged violation under review.

4. "Licensing violation(s)" means those violations relating specifically to licensure, including but not limited to operating without a license or proper category on a license issued by the Department; or aiding and abetting an individual to operate without a license or proper category on a license issued by the Department. Licensing violations shall remain a permanent record and shall be considered in determining any penalty assessment for licensing violation(s).

5. "Not probable" means that the alleged violator's conduct most likely would not have an adverse effect.

6. "Probable" means that the alleged violator's conduct most likely would have an adverse effect.

7. "Regulatory Letter" means a type of enforcement action for a violation, which requires the violator to submit a written response explaining the situation and proposing safeguards to prevent a similar incident from occurring again. A warning letter may be issued if a violator has taken corrective action or has already provided a written response during the course of the ongoing investigation or inspection.

8. "Unknowingly" means that the alleged violator did not act knowingly.

9. "Violation" means commission of an act or acts prohibited by the Idaho Pesticides and Chemigation Law, (Idaho Code, Title 22, Chapter 34) and/or the Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application, IDAPA 02.03.03. Violations may result in the following enforcement actions: warning letter; regulatory letter; civil penalty; and/or licensing suspension, modification, denial, or revocation. Alleged violations may also be referred for criminal prosecution. Prior violation(s) may be used by the Department for the purpose of determining the appropriate penalty for the current alleged violation(s).

10. "Warning letter" means a type of enforcement action for a first time, minor violation, which does not require a written response from the violator.

Calculation of Penalty

Using the matrix below, the Department shall determine the penalty range based on the level of violation, the probability of adverse effect(s) at the time of the incident(s) giving rise to the violation, and the knowledge of the alleged violator. The median penalty will apply, unless an adjustment is deemed appropriate due to aggravating or mitigating factors as listed below.

Gravity of the violation

The gravity of the violation is based upon the risk posed to human health and the environment of a particular action and the pesticide involved. In assessing risk associated with a particular action, the Department may consider whether the violation: (1) occurred in a highly populated area, public parks, and roads, or environmentally sensitive areas; (2) was a threat to food, feed or food service equipment; (3) had a potential to affect larger or smaller geographical areas; (4) resulted in actual harm; and (5) whether serious consequences were likely. In assessing the risk associated with a particular pesticide used, the Department may consider: (1) the acute toxicity of the pesticide used, (label states "Danger" and/or "Poison" as opposed to "Warning" and "Caution"); (2) whether there are any known chronic health effects of the pesticide used; (3) the amount of pesticide involved relative to the manner of application (structural vs aerial); and (4) the persistence or residue capability of the pesticide used. The Department may increase or decrease the civil penalty and/or the licensing action depending on the circumstances in the particular case.

Aggravating factors. The Department may consider circumstances enhancing the seriousness of the violation, including, but not limited, to the following:

- Number of other violations occurring during the same incident
- Similarity of prior violations
- High magnitude of harm, or potential harm caused by the violation
- Disregard for the safety/health of others or the environment
- Existence of prior audits which revealed the violation or similar violations
- Little or no attempt(s) to come into compliance
- Hindrance to the investigation

Mitigating Factors. The Department may consider circumstances reducing the seriousness of the violation, including, but not limited to, the following:

- Voluntary disclosure of violation
- Low magnitude of harm, or potential harm, caused by the violation
- Cooperation with the investigation
- Corrective action(s) taken for prior violation(s)
- Corrective action(s) taken for pending violation
- No similar prior violations

Discretionary Penalty Modification

In lieu of total license and certification suspension, the Department may elect to suspend the licensee's certification in selected categories only or place special restrictions on the licensee's certification.

The license suspension/denial/revocation actions must be executed through a consent order signed by the Director of the Department, or by procedures pursuant to the provision of Idaho Code, Title 67, Chapter 52. The Department may set the license suspension to commence at any time during the year.

Alternative Penalty Assessment

The Department may assess a penalty, which requires the violator to attend a pesticide workshop or training session in lieu of all or part of a typical enforcement action. For example, the Department may require a professional applicator to send all of his/her licensed applicators to a Department-approved workshop. Failure to comply with an alternative penalty assessment will subject the violator to enforcement action, as determined by the Department.

PENALTY ASSESSMENT MATRIX

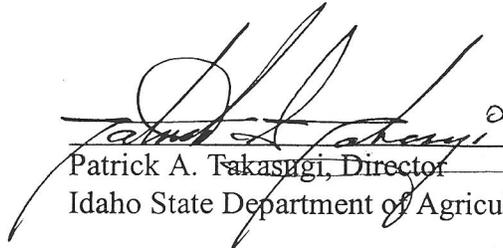
Level of Violation	Adverse Effect(s)	Unknowingly			Knowingly		
		Minimum	Median	Max.	Minimum	Median	Max.
First	Not Probable	Warning Letter	Warning Letter	Reg. Letter	Warning Letter	Reg. Letter	\$250 & 2 days*
	Probable	Warning Letter	Warning Letter	Reg. Letter	Reg./Warn. Letter	Reg. Letter	\$500 & 4 days
Second	Not Probable	Reg. Letter	Reg. Letter	\$250 & 2 days	Reg. Letter	\$250 & 2 days	\$500 & 4 days
	Probable	Reg. Letter	\$250 & 2 days	\$500 & 4 days	\$250 & 2 days	\$500 & 4 days	\$1000 & 8 days
Third	Not Probable	\$250 & 2 days	\$500 & 2 days	\$750 & 6 days	\$500 & 4 days	\$750 & 6 days	\$1500 & 10 days
	Probable	\$500 & 4 days	\$750 & 6 days	\$1000 & 8 days	\$750 & 6 days	\$1000 & 8 days	\$2000 & 12 days
Fourth or more	Not Probable	\$500 & 4 days	\$750 & 6 days	\$1500 & 10 days	\$1000 & 8 days	\$1500 & 10 days	\$2500 & 30 days
	Probable	\$750 & 6 days	\$1000 & 8 days	\$2000 & 12 days	\$1500 & 10 days	\$2000 & 12 days	\$3000 & 60 days

* "days" means the number of days a license is under suspension.

Directions for using the Matrix.

1. Determine the "Level of Violation" (First, Second, Third, etc.).
2. Determine if "Adverse Effects" were probable or not probable.
3. Determine if the alleged violation occurred "Knowingly or Unknowingly."
4. Evaluate mitigating and aggravating factors, to determine the level of enforcement action (Minimum, Median, or Maximum).

6-20-06
Effective Date


 Patrick A. Takasugi, Director
 Idaho State Department of Agriculture



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 21, 2020

The Honorable Sally Toone
Idaho House of Representatives
2096 East 1500 South
Gooding, Idaho 8330

Dear Representative Toone:

Deputy Attorney General Brian Kane asked me to prepare a response to your questions regarding House Bill 487 and proposed changes to Idaho's Rules Governing Pesticides and Chemigation Use and Application. I will address each of your questions below.

1. What are the implications of the removal of the language "Apply improper and ineffective pesticides" from page 1, Line 18?

Currently, Idaho Code § 22-3420(6) prohibits a person from applying "ineffective or improper pesticides." "Ineffective" and "improper" are not defined in the statute. However, these words are to be read given their common, ordinary definitions. *State v. Wilson*, 165 Idaho 64, 438 P.3d 302, 305 (2019). The definition of ineffective is "not producing an intended effect" or "not capable of performing efficiently or as expected."¹ Improper means, "not proper," or "not in accord with fact, truth, or right procedure."²

The Idaho State Department of Agriculture ("ISDA or "the Department") has issued one notice of violation under Idaho Code § 22-3420(6) in recent history. In that case, a pest control operator applied an insecticide to a lawn covered in snow. The insecticide's label featured no prohibitions against applying that insecticide on snow, in rain, or on frozen ground, meaning there was no label violation. However, snow began to melt resulting in diluted insecticide. This rendered the insecticide ineffective. Therefore, Idaho Code § 22-3420(6) was the most appropriate violation.

¹ *Ineffective*, Meriam Webster's Collegiate Dictionary (11th ed. 2009).

² *Improper*, Meriam Webster's Collegiate Dictionary (11th ed. 2009).

Although ISDA has not issued a citation under this section for some time, Section 22-3420(6)'s language covers activities related to the fraudulent use of pesticides. This provision gives the Idaho State Department of Agriculture the authority to pursue civil penalties for those who apply illegal or counterfeit pesticides. Illegal pesticides are those that have not been evaluated by the Environmental Protection Agency (EPA) to ensure the pesticide's use will not harm people or the environment.³ Illegal pesticide products may make false claims that they are "harmless to humans and animals" or "safe to use" when in fact, they are much higher in toxicity than legal products. Counterfeit products are those that are produced and packaged to look like legal products, but their contents do not match their labels. These products may have less of an active ingredient than the legal version, rendering the product ineffective. Counterfeit products may also have cheaper, but possibly more toxic ingredients, creating dangers for human and animal health and the environment.⁴

At first glance, it may appear that concerns regarding the use of "ineffective or improper pesticides" are adequately addressed by provisions in the Federal Insecticide, Fungicide, and Rodenticide Act prohibiting the sale or distribution of adulterated or misbranded pesticides. 7 U.S.C. § 136j(a)(1)(A)-(E). Idaho also prohibits selling adulterated or misbranded pesticides under Idaho Code § 22-3420(10)-(11). "Adulterated" and "misbranded" are also terms defined in Idaho Code.

On review, the term "ineffective or improper pesticides" is broader in scope than the terms "adulterated" and "misbranded." Under Idaho's Pesticides and Chemigation law, "adulterated" means the pesticide's "strength or purity... is below the purported or professed standard of quality as expressed in its labeling, or any substance has been substituted wholly or in part for any ingredient of the pesticide, or any valuable constituent thereof has been omitted wholly or in part." Idaho Code 22-3401(1).

The "misbranded" designation applies to "any pesticide or device if its labeling bears any false or misleading statement, design or graphic representation," any pesticide not labeled as required by Section 22-3402, and any pesticide if the label bears any reference to the registration requirements of section 22-3402 unless that reference is required by rules promulgated by the director.

Idaho Code § 22-3420(6)'s use of the words "improper" or "ineffective" seems to encompass both adulterated and misbranded pesticides, as well as those that are counterfeit or illegal. Further, this section only applies to application of improper or ineffective pesticides, not just the sale of these products. To provide an example, Section 22-3420(6) provides the Department with an effective means of pursuing applicators who apply an ineffective pesticide to kill pests at a consumer's home. The implication of removing this language would mean narrowing the Department's ability to pursue civil penalties against those who apply these types of pesticide products.

³ *Illegal or Counterfeit Pesticides*, National Pesticide Information Center, (February 21, 2020) <http://npic.orst.edu/ingred/ptype/illegal/index.html>

⁴ *Id.*

2. Idaho Code 22-3420(7) removes language in code that states "Apply pesticides in a faulty, careless, or negligent manner." from pg. 1, line 21? What are the standards used to determine faulty, careless, & negligent? Does striking faulty & careless expand protections for someone accused of misusing pesticides? What are the implications of the removal of the language?

Currently, Idaho Code § 22-3420(8) states that no person shall “apply pesticides in a faulty, careless or negligent manner.” House Bill Number 487 seeks to strike the terms “faulty” and “careless.” As currently written, violations of this section are used in cases involving drift, property damage, or human exposure.

A. The Standards Used to Determine whether a pesticide application was faulty, careless, or negligent.

There is no statutory definition of faulty or careless. Faulty may be defined as “marked by fault or defect” or “imperfect.”⁵ Careless means “indifferent, unconcerned,” or “not showing care.”⁶ Negligence is a well-established legal standard requiring four elements to be met. *Obendorf v. Terra Hug Spray Co.*, 145 Idaho 892, 898 (2008). The elements of negligence are: (1) a duty, recognized by law, requiring a person to conform to a certain standard of conduct; (2) a breach of that duty; (3) a causal connection between that person’s conduct and the resulting injury; and (4) actual loss or damage. *Id.*

Pesticides and chemigation law is marked by the adage, “The label is the law.” Pesticide product labels provide critical information about how to safely and legally handle and use the products. Unlike most other types of product labels, pesticide labels are legally enforceable, and all of them carry the statement: “It is a violation of Federal law to use this product in a manner inconsistent with its labeling.”⁷ Similarly, Idaho requires that all pesticides used in this state must be registered with the Idaho State Department of Agriculture and meet all state label requirements. Idaho Code § 22-3402. Idaho Code § 22-3420(1) prohibits pesticides from being used in a manner inconsistent with their labeling.

In determining whether an application was faulty, careless or negligent, the pesticide label requirements are the first thing the Idaho State Department of Agriculture considers. The Department also considers the elements of negligence—whether a duty was owed, whether damage was caused to property or humans, and whether there is a causal link between an alleged violator’s actions and damages suffered. The Department also considers other factors delineated in its Penalty Assessment Guidelines and Matrix which have been attached to this document for your review. For more information regarding the standards used to determine whether an application was faulty, careless, or negligent, please contact the Idaho State Department of Agriculture. ISDA’s Deputy Director Brian Oakey may be contacted by phone at (208) 332-8552 or by email at brian.oakey@isda.idaho.gov.

⁵ *Faulty*, Meriam Webster’s Collegiate Dictionary (11th ed. 2009).

⁶ *Careless*, Meriam Webster’s Collegiate Dictionary (11th ed. 2009).

⁷ Introduction to Pesticide Labels, United States Environmental Protection Agency (February 21, 2020) <https://www.epa.gov/pesticide-labels/introduction-pesticide-labels>.

B. Does striking faulty & careless expand protections for someone accused of misusing pesticides?

Labels, as well as other statutory provisions, create duties that must be adhered to by all pesticide applicators. There may be instances when an applicator adheres to all label requirements and complies with all other pesticide and chemigation laws. Even so, there may be instances when the Department would rely on this section's "faulty [or] careless" language to issue a violation. This situation could arise where members of the public either ignore or are otherwise unaware of posted pesticide spray notices. Members of the public, (i.e., joggers, farm workers, children) may be present in a spray area. Applicators may still choose to proceed with a spray operation even with people present near the spray area. This action may not necessarily be negligent, but it may fit into the realm of faulty or careless if the application results in human exposure. Removing the faulty and careless language narrows the scope of Idaho Code § 32-3420(7) to only apply to conduct which fits the negligence standard, which may result in expanding protections for persons accused of misusing pesticides.

C. What are the implications of removal of the faulty and careless language?

Removal of this language would limit the Department of Agriculture's enforcement authority only to those situations meeting the negligence standard. Thus, there must be a duty owed and a breach of that duty for the Agency to proceed with a notice of violation. A faulty ("imperfect") application may not rise to that standard.

3. The addition of 22-3427(4) directs the agency to promulgate rules relating to restrictions and penalties that assess whether the violation occurred knowingly or unknowingly in section 9 on pg. 3? How does this relate to 22-3420(4) and the legal standard for negligence? Is there already a legal standard for negligence that assesses whether it occurred knowingly or unknowingly?

To answer this question, first ISDA's penalty matrix will be addressed, with its definitions of "knowing" and "unknowing." The matrix and its mental requisites will then be discussed in comparison to a negligence standard.

A. Penalty Matrix and the distinction between a knowing and unknowing violation of Idaho's Pesticides and Chemigation law.

The proposed changes to Idaho Code § 22-3421(3) would require the Department to promulgate rules for restrictions and penalties through negotiated rulemaking. In doing so, the Department must include its penalty assessment guidelines and a penalty assessment matrix as required by the proposed Section 22-3421(4). ISDA's penalty matrix is broken down into offenses that are either done knowingly or unknowingly. The Idaho State Department of

Agriculture Idaho Pesticides and Chemigation Law Penalty Assessment Guidelines and Matrix are attached.

Under this matrix, “knowingly” means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur. In determining whether an alleged violator knew or should have known about potential adverse effects or the nature of a violation the Department will consider a person’s licensing status, prior contacts with the Department, prior audits related to the violation, past enforcement action(s) (to the extent these factors apply), and any other relevant evidence.⁸ Under the same guidance, “unknowingly” means that the alleged violator did not act knowingly, or without the requirements discussed above.⁹ “Adverse effects” are defined as “the possibility of pesticide exposure that could cause damage or injury to humans, animals, plants, or the environment. Factors considered include, but are not limited to the risk associated with a particular action(s) and the pesticide(s) involved.”¹⁰

B. Brief overview of Idaho Code § 22-3420(4) prohibitions against operation of faulty or unsafe pesticide spray apparatus, aircraft, or other application device or equipment.

Idaho Code § 22-3420(4) prohibits operation of a faulty or unsafe pesticide spray apparatus, aircraft, or other application device or equipment. Again, “faulty” is not defined in Idaho code, but “faulty” means “marked by fault or defect” or “imperfect.”¹¹ “Unsafe” means not “free from harm or risk,” or not “secure from threat of danger, harm, or loss.”¹²

Under ISDA’s penalty matrix, knowingly operating a faulty or unsafe spray apparatus, aircraft or other application device or equipment garners a higher penalty than doing so unknowingly.

C. Operation of a faulty or unsafe pesticide spray apparatus, aircraft, or other application device or equipment under Idaho Code § 22-3420(4) and relationship to a negligence standard.

Unknowingly or knowingly operating a faulty or unsafe pesticide spray apparatus, aircraft, or other application device or equipment may constitute negligence. Idaho Code § 22-3420(4) creates a duty for applicators to operate their pesticide spray apparatus, aircraft, or other application device or equipment in a safe and unfaulty status. The Department considers the previously discussed elements of negligence when determining whether to issue violations of

⁸ Penalty Assessment and Guidelines and Matrix, Idaho State Department of Agriculture Pesticides and Chemigation Law (June 20, 2000) at 3.

⁹ *Id.*

¹⁰ Penalty Assessment and Guidelines and Matrix, Idaho State Department of Agriculture Pesticides and Chemigation Law (June 20, 2000) at 2.

¹¹ *Faulty*, Meriam Webster’s Collegiate Dictionary (11th ed. 2009).

¹² *Safe*, Meriam Webster’s Collegiate Dictionary (11th ed. 2009).

Idaho Code § 22-3420(4). Whether a violation was done knowingly or unknowingly determines the penalties sought against an applicator in violation of this section.

D. Is there already a legal standard for negligence that assesses whether it occurred knowingly or unknowingly?

In assessing whether a violation of *any* part of Idaho Code § 22-3420 occurred knowingly or unknowingly, the Department considers whether the violator had actual knowledge or “should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur.”¹³ In assessing whether a violator knew or should have known, the Department considers a person’s licensing status, prior contact(s) with the Department, prior audits related to the violation, past enforcement actions (to the extent that these factors apply), and any other relevant evidence.¹⁴

4. Are there any other implications on the removal of docket IDAPA 02.03.03 Rules Governing Pesticide Use & Chemigation, Section 310 on pg. 139, Section 320, on pg. 139, Section 550-subsection 03 on pg. 142 and section 600 on pg. 143. as well as the introduction of HB487 combined?

The removal of different parts of this rule have different consequences; therefore, they will be broken down individually as follows.

A. Removal of low-flying prohibitions under IDAPA 02.03.03.310.

IDAPA 02.03.03.310 is a prohibition against low-flying for aerial applicators. It reads as follows,

310. LOW-FLYING PROHIBITIONS.

01. Low-Flying Prohibitions. Aircraft pilots during spray operations are prohibited from turning or low-flying:

- a. Over cities, towns, schools, hospitals and densely populated areas unless the pilot obtains an agreement in writing for pesticide applications from the authorized agent for the city, town, school, hospital, or densely populated area in question; or
- b. Directly over an occupied structure without prior notification by some effective means such as daily newspapers, radio, television, telephone, or door-to-door notice.

02. Restriction. The low-flying restrictions listed in Subsection 310.01 shall only pertain to persons other than those persons whose property is to be treated.

¹³ Penalty Assessment and Guidelines and Matrix, Idaho State Department of Agriculture Pesticides and Chemigation Law (June 20, 2000) at 3.

¹⁴ *Id.*

The implication of removing this section of the Rule is that ISDA will no longer have authority to regulate low-flying aerial applicators. Rather, aerial applicators would be responsible for meeting Federal low-flying requirements. There are two sets of standards that aerial applicators must meet under Federal law: those that apply to general flight operations and flight rules for minimum safe altitudes¹⁵ and those regulations that apply only to agricultural aircraft operations.¹⁶

The federal standards are similar to those that are found in IDAPA 02.03.03.310. If Section 310 is removed, Idaho citizens' primary point of contact regarding low-flying aerial applicator complaints would be the Federal Aviation Association through the Flight Standards District Office.

B. Removal of Wind Velocity Restrictions under IDAPA 02.03.03.320.

IDAPA 02.03.03.320 addresses wind velocity restrictions. It reads:

320. WIND VELOCITY RESTRICTIONS.

01. Restrictions. No person shall apply any pesticide in sustained wind conditions exceeding ten (10) miles per hour or in wind conditions exceeding product label directions, except as provided in Subsection 320.04.

02. Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions.

03. Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case-by-case basis.

04. Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical distribution is adversely affected.

Idaho is one of a few states that imposes a wind velocity restriction for all applicators. Other states typically adhere to the adage "the label is the law" with regard to wind velocity restrictions. In Idaho, the more restrictive of the two sources will be applied, either the label's stricter requirements or Idaho's default ten mile an hour threshold. The implication of removing Section 320 is that only a pesticide's label will provide wind velocity restrictions, which may be less restrictive than Idaho's current ten mile an hour wind rule.

Removing section 320 removes the ISDA's authority to regulate wind restrictions for pesticide applications. This is especially relevant where certain pesticide labels do not provide a wind velocity restriction or the label simply provides, "Do not allow product to drift." As the rule is currently written, if a person were to apply these types of pesticides during wind conditions higher than ten miles an hour and the product drifted and damaged another's property, the

¹⁵ 14 CFR § 91.1 *et. seq.*; <https://www.law.cornell.edu/cfr/text/14/part-91/subpart-A>.

¹⁶ 14 CFR § 137.1 *et. seq.*; <https://www.law.cornell.edu/cfr/text/14/part-137>.

Department has express authority to issue a violation. Without section 310, the Department must evaluate whether the applicator has applied the pesticide in a negligent manner even though the applicator has complied with all label requirements and other standards.

C. Removal of phenoxy herbicide restrictions

This removal seeks to remove the following table with regard to applications of phenoxy herbicide (2,4-D; MCPA; MCPB; and Dicamba) restrictions. That portion of IDAPA 02.03.03.550.03 reads as follows:

03. Hazard Area. Aircraft pilots shall maintain the following spray distances from hazard areas when applying amine or acid formulations of 2,4-D; MCPA; MCPB; and Dicamba:

Mean Sustained Wind Velocity	Downwind	Upwind
0-3 MPH	1/2 mile	600 feet
4-7 MPH	1 mile	200 feet
8-10 MPH	1 mile	50 feet
Over 10 MPH	Do not apply	Do not apply

Idaho has not cited a violation to this section in recent history. This is because label requirements for these products are generally more restrictive than Idaho’s rule. However, the implications of removing the Wind Velocity Restrictions for phenoxy products are similar to the implications of removal of all wind velocity restrictions under 320. If IDAPA 02.03.03.550.03 is removed, the pesticide’s label will govern its application, not restrictions set by rule.

D. What are the implications of removal of IDAPA 02.03.03 sections in combination with the introduction of House Bill 487?

The overarching objectives of House Bill 487 in combination with section removals from IDAPA 02.03.03 are to narrow the ISDA’s authority to regulate certain pesticide-related activities. The following is a brief summary of the implications as discussed above.

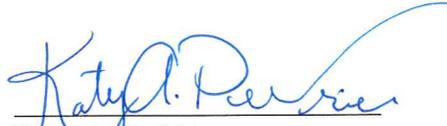
ISDA will no longer have an enforcement authority where pesticides are ineffective or improperly applied, but otherwise comply with other statutory requirements. Additionally, ISDA will only have authority to enforce the provisions of proposed Section 22-3420(7) if behavior rises to the negligence standard.

House Bill Number 487’s proposal that ISDA’s penalty matrix be codified in rule may result in rigid application of Idaho’s Pesticide and Chemigation law. Although the Penalty Assessment Guidelines and Matrix are intended to take into account a variety of factors, a codified matrix does not account for case-by-case intricacies. For example, a first time violation that is egregious may result in a relatively small penalty because there is no history of prior violations. Conversely, harsher penalties would be required for applicators with minor violations but with a history of enforcement.

Further, removing low-flying prohibitions would require Idahoans to take complaints regarding aerial applicators to the Federal Government. General and phenoxy-specific wind velocity requirements mean that Idaho specific protections will be replaced with wind restrictions on pesticide labels.

I hope you have found this information to be helpful.

Sincerely,

A handwritten signature in blue ink, reading "Katy A. DeVries". The signature is written in a cursive style with a long, sweeping flourish extending to the right.

Katy A. DeVries
Deputy Attorney General

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 pm or Upon Adjournment
Room EW42
Wednesday, February 26, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1248</u>	Seed, Plant Certifications	Rep. Kerby
<u>DOCKET NO. 02-0414-1901</u>	Governing Dairy Byproducts (pg 3, Temp)	Brian Oakey, Deputy Director ISDA
	Invasive Species Presentation	Lloyd Knight, Administrator Plant Industry, ISDA
<u>DOCKET NO. 02-0609-1901</u>	Invasive Species (pg 327, Fee)	Lloyd Knight

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, February 26, 2020

TIME: 1:30 pm or Upon Adjournment

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Rep. Raymond

GUESTS: Brian Oakey, ISDA; John Eaton, IACI; Lloyd Knight, ISDA
Chairman Boyle called the meeting to order at 3:17 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the Thursday, February 20, 2020 meeting. **Motion carried by voice vote.**

S 1248: **Rep. Kerby** said this will completely eliminate a layer of bureaucracy. He explained the U of I has had the responsibility to make sure the seed grown in Idaho meets certain standards. He explained whenever there needs to be a change made, the Idaho Crop Improvement Association for all the various seed growers get together and offer solutions. He said this process takes up to a year to go through Rule Making. He said this new legislation would change the process so it can be done in a more timely manner.

Sen. Patrick said if a new disease is identified, it is imperative the growers can act quickly to control the spread rather than wait for the Rule Making Process to be completed which can take up to one year. He said the Idaho Crop Improvement Association can be very reactive to the growers needs and interest, providing a 30 day comment period so the stakeholders have a voice in the process. He said this eliminates the State Board of Education's requirement to review the rules on plant and seed certification.

MOTION: **Rep. Andrus** made a motion to send **S 1248** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kerby** will sponsor the bill on the floor.

**DOCKET NO.
02-0414-1901:** **Brian Oakey**, Deputy Director ISDA stated this temporary Rule Making adopts and republishes previously approved and codified chapters, which were necessary to prevent the Rule Governing Dairy Byproducts from expiring on June 30, 2019. He said stakeholders have been actively involved in the Rule Making process and have provided valuable input. He said they are asking to extend the temporary rule allowing the stakeholders more time to propose a new rule for next year.

In response to a committee question, **Mr. Oakey** explained the Department of Agriculture has the enforcement authority for any violation of either the Environmental Control Act or the Dairy Byproduct Rule.

In response to a committee question, **Mr. Oakey** said the Idaho Pollutant Discharge System is the responsibility of the DEQ.

Some committee members commented with concern the agency has power to make the rules, enforce the rules and enact the penalty all within the agency. Committee members look forward to future legislation addressing the seemingly over reach of power.

MOTION: **Rep. Toone** made a motion to approve **Docket No. 02-0414-1901. Motion carried by voice vote.**

Lloyd Knight, Administrator Plant Industries ISDA explained the four invasive species program areas. He said in 2019, they added significantly to the seasonal staff located through out the state. He said the water craft inspection stations have operated for eleven years now having inspected over 118,000 boats this year alone. He said they have 20 inspection stations and six roving stations with some open extended hours as well as one 24 hour station. He said this is the first year they've had law enforcement at all of the stations, helping with boater compliance, safety and traffic flow. He said when they find boats with muscles on them, they assess whether they are viable. He said they have not found live Zebra Muscles for several years now. He explained there are several layers of prevention in place to provide coverage for watercraft coming into Idaho as they network with surrounding state partners, regional data bases and transportation permits. He spoke of the measures taken in the event of a contamination. Concerning the new detection of Eurasian Watermilfoil found in both Bear Lake and Hayden Lake, He explained the measures in place to remove it. He said of the 30 cooperative weed management areas, 29 applied for cost sharing funds in 2019.

In response to committee question, **Mr. Knight** explained blue algae is not considered an invasive species even though it is a nuisance.

In response to a committee question, **Mr. Knight** suggested in seeking help with an infestation of noxious weeds, begin with the county weed supervisor because it may cover several jurisdictions.

DOCKET NO. 02-0609-1901: **Lloyd Knight** said three previous rules governing noxious weeds and invasive species were combined into one rule. He said a public hearing was held and no comments were received. He explained the rules were reviewed to look for opportunities to eliminate restrictive language and redundancies. He said this rule regulates an activity not regulated by the Federal Government.

In response to a committee question, **Mr. Knight** said Bull Frogs are considered an invasive species as this particular species is not native to Idaho. He said they were added to the list in 2009.

MOTION: **Rep. Andrus** made a motion to approve **Docket No. 02-0609-1901. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:19 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 PM or Upon Adjournment
Room EW42
Wednesday, March 04, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>HJM 15</u>	NEPA Regulations	Rep. Judy Boyle
<u>S 1223</u>	Imported Food, Bread, Flour	Rep. Stevenson
<u>S 1224</u>	Weightmasters, Licensing	Rep. Nichols
<u>S 1225</u>	Agriculture Reporting Requirements	Rep. Andrus
<u>S 1286</u>	Trespassing Hogs	Colby Cameron, DFM
<u>H 567</u>	Kratom Truth in Labeling Act	Rep. Zollinger

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle
Vice Chairman Troy
Rep Kerby
Rep Stevenson
Rep Zito

Rep Andrus
Rep Giddings
Rep Goesling
Rep Marshall
Rep Nichols

Rep Raymond
Rep Kiska
Rep Toone
Rep Abernathy
Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, March 04, 2020

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Rep. Goesling

GUESTS: Mac Haddow, American Kratom Assoc; Christopher Deardes, Happy Hippo; Ethan Stachowics, Happy Hippo; Chanel Tewalt, ISDA; Jeff Gusfeld; Celia Gould, ISDA; Douglas Jones; Caleb Pirc, Idaho Farm Bureau

Chairman Boyle called the meeting to order at 2:45 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of the Monday, February 24 and Wednesday, February 26, 2020 meetings. **Motion carried by voice vote.**

Chairman Boyle turned the gavel over to **Rep. Zito**.

HJM 15: **Rep. Boyle** said this memorial supports the White House Council of Environmental Quality in updating the National Environmental Policy Act Rules (NEPA). She said it has been over 40 years since they have been updated.

In response to a committee question, **Rep. Boyle** said by updating and streamlining the rules, rather than taking years to complete a project it might only take months.

Caleb Pirc, representing Idaho Farm Bureau said they stand **in support** of **HJM 15** as this sends a clear message to the administration about the importance of the proposed and future NEPA reforms.

Doug Jones said having worked on a variety of projects directly affected by NEPA policies, he feels the policies supported here are working.

MOTION: **Rep. Raymond** made a motion to send **HJM 15** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** requested to be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.

Rep. Zito turned the gavel over to **Chairman Boyle**.

S 1223: **Rep. Stevenson** said consistent with the Red Tape Reduction Act, this bill seeks to eliminate obsolete restrictions. She said the ISDA seeks to remove excessive and burdensome regulations imposed on Idaho's businesses.

Chanel Tewalt, Chief Operating Officer ISDA said this legislation repeals two chapters which include some labeling of imported food as well as the enrichment of bread and flour. She said the changes were necessary as they no longer reflect market driven standards.

MOTION: **Rep. McCrostie** made a motion to send **S 1223** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Stevenson** will sponsor the bill on the floor.

S 1224: **Rep. Nichols** said this is a clean up bill requested by the ISDA because the license does not meet Licensing Freedom Act thresholds for continuation as a regulatory requirement. She said removing the regulation would not substantially harm the safety or welfare of the public who can be protected by less restrictive means. She explained the bill proposes repealing the weightmaster's license requirements while preserving weight ticket standards.

Chanel Dewalt explained all weight measuring devices will still be required to be licensed. She said the department is **in support** of this bill moving forward.

MOTION: **Rep. Toone** made a motion to send **S 1224** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nichols** will sponsor the bill on the floor.

S 1225: **Rep. Andrus** stated this legislation removes the requirement for the ISDA to set payment interest in rule as the rate is established in Idaho Code and an additional rule is unnecessary. He said the bill also replaces semiannual tonnage reporting with annual reporting for both fertilizers and soil and plant amendments.

MOTION: **Rep. Kiska** made a motion to send **S 1225** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

S 1286: **Colby Cameron**, DFM stated this bill is consistent with the Red Tape Reduction Act. He said in their review they were able to eliminate five out of six provisions as these had been on the books since 1898 and no longer were applicable.

MOTION: **Rep. Troy** made a motion to send **S 1286** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

H 567: **Rep. Zollinger** requested the bill be returned to the sponsor. He said there is more work to be done with the stakeholders involved.

Mac Haddow, Senior Fellow and Public Policy for the American Kraton Association said he represents over 15 million people who currently are consumers of kraton products. He said his association wants to stop the FDA from taking the freedom of the American public to use this plant safely for their health and well being. They want FDA to properly implement standards through the authority granted them to ensure consumers the kraton they are buying is pure and not adulterated. He explained several states had already adopted these standards with more than 26 other states considering similar legislation.

MOTION: **Rep. McCrostie** made a motion to **HOLD H 567** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:16 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AMENDED AGENDA #1
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 pm or Upon Adjournment
Room EW42
Tuesday, March 10, 2020

DOCKET NO.	DESCRIPTION	PRESENTER
<u>29-0000-1900</u>	Idaho Potato Commission (pg 208)	Nick Blanksma, Chairman
	Agricultural Best Management Practices	Roger Batt, Treasure Valley Water Users, Dan Steenson, Sawtooth Law Mary Ann Nelson, DEQ

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, March 10, 2020
TIME: 1:30 pm or Upon Adjournment
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representative(s) Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
ABSENT/EXCUSED: Representative(s) Kerby, Giddings
GUESTS: Mary Anne Nelson, DEQ; Roger Batt, Treasure Valley Water Users Association; Nick Blanksma, IPC

Chairman Boyle called the meeting to order at 1:33 p.m.

DOCKET NO. 29-0000-1900: **Nick Blanksma**, Chairman IPC (Idaho Potato Commission) stated this rule adopts and republishes previously analyzed and reviewed rules. He said in line with the Red Tape Reduction Act the rule has been updated and streamlined to make it more readable. He stated there were no substitutive changes. He explained the rules are necessary to protect the public health, safety and welfare of the citizens of Idaho. He said without these rules in place, the IPC cannot bring administrative proceedings to protect the IPC's trademark and branding.

In response to s committee question, **Mr. Blanksma** said negotiated rulemaking was not feasible because of time restraints.

In response to a committee question concerning some labels printed in Spanish, **Mr. Blanksma** said that is because they ship to countries where Spanish is the predominate language.

MOTION: **Rep. Raymond** made a motion to approve **Docket No. 29-0000-1900. Motion carried by voice vote.**

Roger Batt, Treasure Valley Water Users explained they deliver irrigation water to farms, ranches and urban areas in the Treasure Valley area. He said their organization has taken the lead role in getting money appropriated to the agriculture community through the Joint Finance Appropriations Committee and the Legislature to help with the programs. He said BMP (Best Management Practices) are voluntary for agriculture and they are hoping to keep it that way.

Mary Anne Nelson, DEQ Division Administrator explained DEQ's mission to protect human health and the quality of Idaho's air, land, and water. She said as part of this mission, DEQ has identified performance measures, which impacts how DEQ intends to address both point and nonpoint source pollution management and to increase the percentage of Idaho's water ways that are supporting beneficial uses to 35%. She said to meet this goal, DEQ is utilizing their processes and procedures to work with watershed and basin advisory groups to identify criteria for prioritization and potential partnerships. She explained in 1987, Congress created the Nonpoint Source Grant program to help with the nation's largest source of water pollution. She said the grant program allows for participating states to pass federal dollars to applicants for the purposes of reducing pollution associated with nonpoint sources. She described briefly the process the state and federal funds go through to be awarded. She stated these projects provide an opportunity for state and local partners to work together in reducing the impact from nonpoint

pollution outside the regulatory framework by helping folks reduce impacts rather than requiring them to do so.

Chairman Boyle turned the gavel over to **Vice Chairman Troy**.

Dan Steenson, Sawtooth Law Office said his office represents numerous water delivery drainage and flood control districts around the Treasure Valley and other areas. He stated he also is a director on the Lower Boise Water Shed Council that serves as the Water Shed Advisory group to the Department of Water Quality. He explained water quality management consists of water quality standards set by the states and administered by the DEQ for fishable, swimmable conditions, sediment, nutrients and other factors that affect aquatic life and recreation. He explained subbasin assessments are performed to determine the status of these standards in water bodies throughout Idaho. He said if these water bodies do not meet the standards, then TMDL (total maximum daily loads) will be developed for those watersheds which are intended to set limits for the discharge of phosphorus, sediments and other attributing factors to try and attain water quality standards. He said once the TMDL are set, the stakeholder groups develop and impanelment plans. He explained TMDL set objectives for reducing loadings to met instream targets in order to attain water quality standards.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:23 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AGENDA
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 pm or Upon Adjournment
Room EW42
Thursday, March 12, 2020

SUBJECT	DESCRIPTION	PRESENTER
DOCKET NO. <u>60-0000-1900F</u> <u>S 1294</u>	Idaho Soil and Water Commission (pg 456) Domestic Cervidae, Fees	Colby Cameron, DFM Stan Boyd, Representing Juniper Mountain Elk Ranch

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle	Rep Andrus	Rep Raymond
Vice Chairman Troy	Rep Giddings	Rep Kiska
Rep Kerby	Rep Goesling	Rep Toone
Rep Stevenson	Rep Marshall	Rep Abernathy
Rep Zito	Rep Nichols	Rep McCrostie

COMMITTEE SECRETARY

Joan Majors
Room: EW11
Phone: 332-1137
email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, March 12, 2020
TIME: 1:30 pm or Upon Adjournment
PLACE: Room EW42
MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie
**ABSENT/
EXCUSED:** Representative(s) McCrostie
GUESTS: None

Chairman Boyle called the meeting to order at 1:32 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of the Wednesday, March 4, 2020 meeting. **Motion carried by voice vote.**

DOCKET NO. 60-0000-1900F: **Colby Cameron**, DFM said this pending fee rule adopts and republished existing and previously codified chapters. He said they were able to reduce four chapters into one while allowing two other chapters to expire as they are no longer relevant. He said one substitutive change was the loan cap which increased from \$200,000 to \$600,000. He explained now projects could begin before the loan is funded.

Chairman Boyle stated the Soil and Conservations Districts are **in support** of the rule.

MOTION: **Rep. Nichols** made a motion to approve **Docket No. 60-0000-1900F**. **Motion carried by voice vote.**

S 1294: **Stan Boyd**, representing Juniper Mountain Elk Ranch explained the industry has recovered from a deficit position and repaid the ISDA all debts for administration of the program. He said in 2020 the surplus will be approximately \$50,000 and with the revisions in the bill it will reduce the income by approximately \$11,000 a year which will still leave a surplus above the cost of the program by approximately \$25,000. He said the amount can be adjusted by the authority of the Director of the Idaho Department of Agriculture.

Dr. Bill Barton, Administrator of Animal Industries explained previous circumstances requiring a great deal of resources from the fund. He said it was necessary to increase the fee in the past to overcome deficits and have the balance in the fund they have at this time. He cautioned that the balance could disappear if there is another large scale event.

MOTION: **Rep. Andrus** made a motion to send **S 1294** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:54 p.m.

Representative Boyle
Chair

Joan Majors
Secretary

AMENDED AGENDA #1
HOUSE AGRICULTURAL AFFAIRS COMMITTEE
1:30 P.M.
Room EW42
Monday, March 16, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS28014</u>	Admin Rules, House Agriculture Committee Idaho Soil and Water Conservation Districts Annual Report	Rep. Boyle Steve Becker, President of Idaho Association of Soil Conservation Districts

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Boyle

Vice Chairman Troy

Rep Kerby

Rep Stevenson

Rep Zito

Rep Andrus

Rep Giddings

Rep Goesling

Rep Marshall

Rep Nichols

Rep Raymond

Rep Kiska

Rep Toone

Rep Abernathy

Rep McCrostie

COMMITTEE SECRETARY

Joan Majors

Room: EW11

Phone: 332-1137

email: hagri@house.idaho.gov

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Monday, March 16, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy (Seegmiller), Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Rep. Abernathy, McCrostie, Giddings and Seegmiller

GUESTS: Steve Becker, IASCD; Lynn Tominaga, IGWA
Chairman Boyle called the meeting to order at 1:35 p.m.

MOTION: **Rep. Kiska** made a motion to approve the minutes of Tuesday, March 10, and Thursday, March 12, 2020 meetings. **Motion carried by voice vote.**
Chairman Boyle thanked the Committee Page, **Kaela Davis** for her work this Session, she also thanked the Secretary, **Joan Majors**.

RS 28014: **Rep. Boyle** explained this concurrent resolution approves and extends, with exceptions, Administrative Rules reviewed by the House Agriculture Committee and the Senate Agriculture Committee.

MOTION: **Rep. Goesling** made a motion to introduce **RS 28014** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.
Steve Becker, President of Idaho Association of Soil and Water Conservation Districts detailed the Misson Creek Bridge project as an example of the types of projects accomplished by IASWD throughout the districts. He said the association's philosophy is that conservation decisions be made by local people with technical and funding assistance from federal, state and local governments and the private sector. Mr. Becker explained the division of the budget, and stated several districts are struggling to run their programs under current funding. He said they hope in the future to be able to secure more funding. He said the stewardship of our state's soil and water resources is a responsibility all Idaho citizens share and the conservation districts are the leaders of non-regulatory, locally led natural resource conservation in Idaho.
Chairman Boyle expressed her appreciation for the work of the Committee this session.

ADJOURN: There being no further business to come before the committee at this time, the meeting was adjourned at 2:06 p.m.

Representative Boyle
Chair

Joan Majors
Secretary